

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Adoption of an Amendment to a General Permit

AGENDA REQUESTED: July 6, 2016

DATE OF REQUEST: June 13, 2016

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Sherry Davis, (512) 239-2141

CAPTION: Docket No. 2015-0475-MIS. Consideration of the adoption of amendment with renewal of the Multi-Sector General Permit, TXR050000.

The adoption would amend and renew Texas Pollutant Discharge Elimination System Multi-Sector General Permit No. TXR050000, which authorizes, on a state-wide basis, the discharge of stormwater and allowable non-stormwater into surface water in the state from certain types of industrial activities. Public notice of the proposed general permit was published in the October 16, 2015, issue of the *Texas Register* (40 TexReg 7269) on October 16, 2015. (Lindsay Garza, Robert Brush) (Non-Rule Project No. 2015-009-OTH-NR)

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Copy to CCC Secretary? NO X YES

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** June 17, 2016

Thru: Richard A. Hyde, P.E., Executive Director

Thru: L'Oreal W. Stepney, P.E., Deputy Director
Office of Water

From: David W. Galindo, Division Director

Docket No.: 2015-0475-MIS

Subject: General Permit: Commission Approval for Adoption
Renewal with Amendment of the Texas Pollutant Discharge Elimination
System (TPDES) Stormwater Multi-Sector General Permit (MSGP) No.
TXR050000
Non-Rule Project No. 2015-009-OTH-NR

Summary and Background:

The TPDES MSGP TXR050000 is a statewide general permit authorizing the discharge of stormwater from regulated industrial activities based on Industrial Activity codes and primary Standard Industrial Classification (SIC) codes. The renewal and amendment will replace the current permit when it expires on August 13, 2016.

Basic Requirements:

A. Applicability:

The MSGP authorizes the discharge of stormwater from industrial facilities based on Industrial Activity codes and primary SIC codes, consistent with federal rules found in 40 Code of Federal Regulations (CFR) §122.26.

B. Permit Requirements:

A Notice of Intent (NOI) is required for coverage under the MSGP and a No Exposure Certification (NEC) form is required to obtain a conditional exclusion for a facility that does not have exposure of a regulated industrial activity to stormwater. Certain activities may be automatically authorized without submittal of either form.

When an NOI is required, the applicant must:

- Prepare and implement a Stormwater Pollution Prevention Plan (SWP3) prior to submitting an NOI. The SWP3 must include requirements such as establishing a stormwater pollution prevention team, inspecting the facility for non-storm water flows, describing potential pollutant sources, and pollution prevention measures and controls.
- Submit an NOI to the Texas Commission on Environmental Quality (TCEQ), along with an application fee. Provisional coverage begins seven days from the date that a completed NOI or NEC is postmarked for delivery to TCEQ. The NOI can also be submitted electronically via the ePermits system and approval is immediate upon payment of the fee and submittal.

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- Perform monitoring requirements such as annual sampling for hazardous metals, annual monitoring for discharges subject to federal categorical guidelines, semiannual benchmark sampling for certain sectors, quarterly visual monitoring of discharges, quarterly inspections of structural controls, and preparing the "Annual Comprehensive Site Compliance Investigation and Report."

When a Facility Has a "No Exposure" Certification:

Facility operators conduct all industrial activities indoors, or otherwise demonstrate "no exposure" of industrial activities to precipitation or runoff. An NEC form is required to be submitted along with an application fee, and no annual fees are assessed. In a few very specific cases (i.e., general warehousing without vehicle/equipment maintenance areas) an operator may be automatically authorized without submitting an NEC form.

C. Fees:

- The permit fee is proposed to remain the same. The fee is \$200 if a paper NOI or NEC is submitted or \$100 if the NOI or NEC is submitted electronically. A fee is not required for submission of a Notice of Termination or a Notice of Change.
- The draft renewal would continue the existing annual water quality fee of \$200. An annual fee is not required for a facility that obtains an NEC, nor a facility that is automatically authorized under the general permit.

Number of current/expected authorizations:

As of May 2016, approximately 13,458 industrial facility operations are authorized by this general permit to include (9,038) NOIs and (4,420) NECs. Currently, approximately 60% of the NOIs are filed through the ePermits system.

Proposed changes from the current permit:

1. Changed the SIC code and sector format in Part II Section A to clarify what activities are regulated under the general permit by adding more details to the existing SIC codes and industrial activity descriptions.
2. Added narrative and numeric effluent limitations guidelines in Part V, Sector S, "Air Transportation," to include deicing requirements based on final federal Effluent Limitation Guidelines in 40 CFR Part 449 for airport and airplane deicing operations.
3. Clarified language in Part II Section B.7, "Impaired Water Bodies and Total Maximum Daily Load Requirements," to address when discharges are considered discharging into an impaired water body.
4. Added language regarding the NPDES Electronic Reporting Rule to Parts II and III of the general permit.

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5. Changed the following Benchmark Levels and Sampling Requirements:
 - Lowered ammonia nitrogen value from 2.5 milligrams per liter (mg/L) to 1.7 mg/L.
 - Lowered total suspended solids values from 100 mg/L to 50 mg/L for Sector A (SIC codes 2426 - 2499), Sector C (SIC codes 2873 - 2879), Sector F (SIC codes 3321 -3325), and Sector H (SIC codes 1221 - 1241).
 - Lowered biochemical oxygen demand values from 30 mg/L to 20 mg/L for Sector T (Activity code TW).
 - Added language to Part IV, Section B.1.(a) clarifying the sampling requirements for the waiver option for benchmark sampling during years three and four. If sampling during years 1 and 2 demonstrates that the annual average result for all benchmark parameters is below the benchmark level for the regulated sector, then permittees can waiver out of sampling for years three and four.

The above changes were made based on statistical analysis of Benchmark Monitoring Reports received from permittees during permit years 2011 to 2014.

6. Clarified requirements for:
 - above ground storage tanks;
 - permittees documenting zero rainfall totals or no rain for sampling requirements;
 - oil and gas extraction facilities and when each fall under jurisdiction of the United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System permit or when they qualify under the MSGP; and
 - petroleum bulk stations and terminals with SIC code 5171, pertaining to the storage of crude oil.
7. Removed the terms "Stockpiled rail ties" and "metal products" from NEC requirements in Part II of the general permit. This change was made in response to a public comment that noted such products were designed for outdoor use.
8. Clarified that an applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to denial or suspension of authorization, pursuant to the October 23, 2013, Commissioner's Order on the Livestock Manure Composting General Permit, WQG200000.
9. Added and revised several definitions in the proposed permit to clarify permit requirements.
10. Added requirements to comply with the EPA's Electronic Reporting Rule effective December 21, 2015, and to grant waivers to applicants and permittees as applicable.

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11. Added additional minor revisions as identified in Section V of the Fact Sheet (page 15).

Planned stakeholder involvement:

- A stakeholder meeting was held at TCEQ on January 8, 2015. Approximately 30 stakeholders attended in person and over 100 participated via webcast. Verbal comments were received from several stakeholders at the meeting, and 104 written comments were submitted by e-mail and mail during the two-week comment period following the meeting. Many of the comments requested clarifications or suggested modifications of existing permit requirements. Revisions were made to the permit as applicable.
- Presentations and updates on the MSGP were given by the Water Quality Division staff to the public on the following dates:
 - October 21, 2014, to April 21, 2016: Water Quality Advisory Work Group Quarterly Meetings
 - January 8, 2015: 2016 MSGP Renewal Stakeholder Meeting
 - March 27, 2015: Society of Texas Environmental Professionals Conference in Fort Worth, Texas
 - May 5, 2015: TCEQ 2015 Trade Fair Conference
 - May 21, 2015: Lower Rio Grande Stormwater Task Force Annual Conference
 - August 4, 2015: StormCon in Austin, Texas
 - September 23, 2015: Water Quality Seminar
 - October 22, 2015: 2015 EPA Region 6 Stormwater Conference in Hot Springs, Arkansas
 - November 16, 2015: 2016 MSGP Renewal Public Meeting
 - March 22, 2016: North Central Texas Council of Government Municipal Industrial Inspectors Workshop in McKinney, Texas
 - April 22, 2016: Environmental & Water Resources Institute Workshop in Austin, Texas
 - May 5, 2016: TCEQ 2016 Trade Fair Conference

EPA Review:

On May 8, 2015, the draft permit was sent to EPA for their 90-day review. On August 12, 2015, TCEQ received a letter from EPA with no objections and only three recommendations. No changes were made to the permit as a result of the EPA review.

Based on the public comments, the proposed permit was revised and excerpts were sent to EPA for re-review on April 15, 2016. On April 28, 2016, EPA approved the revised proposed permit.

Public Comment:

After the public meeting and 30-day public comment period, TCEQ received comments from 19 entities. The public comments were consolidated into 66 comments, and the proposed executive director's response to comments (RTCs) is attached. The comments

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received included editorial suggestions, clarifications, definitions, and grammatical errors.

Potential controversial concerns and legislative interest:

Legislative interest or public concerns are not anticipated.

Effect on the:

A. Regulated community:

Regulated industrial facilities covered under the current permit will need to reapply within 90 days after the effective date of the permit and comply with any revised and new requirements. The changes in the permit will require existing operators to revise their SWP3s to address new permit conditions, as applicable.

B. Public:

The permit is not expected to have a significant effect on the public.

C. Agency programs:

There will be a significant short-term spike in the number of NOIs filed and processed, and based on previous permit renewals the agency expects to receive numerous telephone calls with questions from permittees related to the revised and new permit conditions.

Key dates in the proposed general permit schedule:

Anticipated Adoption Date: July 6, 2016

Anticipated Issued Date: August 14, 2016

Statutory authority:

- TWC (Texas Water Code), §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state;
- TWC, §26.040, which provides the commission authority to issue general permits to authorize waste discharges; and
- TWC, §26.121, which makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission.

Agency Contacts:

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Sherry Davis, Texas Register Coordinator, (512) 239- 2141

Attachments: Draft Permit, Fact Sheet, and Response to Comments

cc: Chief Clerk, 7 copies

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXR050000, issued August 14, 2011.

Facilities that discharge stormwater associated with industrial activity

located in the state of Texas

may discharge to surface water in the state

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(s) 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(s) to acquire property rights as may be necessary to use the discharge route.

This permit and the authorization contained herein shall expire at midnight, five years from the permit effective date.

EFFECTIVE DATE: August 14, 2016

ISSUED DATE:

For the Commission

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Part I. DEFINITIONS

All definitions in the Texas Water Code (TWC) §26.001 and Title 30 Texas Administrative Code (TAC) Chapter 305 apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

Arid Areas. Areas with an average annual rainfall of less than ten (10) inches.

Benchmark. A benchmark pollutant concentration is a guidance level indicator that helps determine the effectiveness of chosen best management practices (BMPs). This type of monitoring differs from “compliance monitoring” in that exceedances of the indicator or benchmark level are not permit violations, but rather indicators that can help identify problems at the site with exposed or unidentified pollutant sources; or control measures that are either not working correctly, whose effectiveness need to be re-considered, or who need to be supplemented with additional BMP(s).

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other techniques to control, prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spills or leaks, sludge or waste disposal, or drainage from raw material storage areas.

Co-located Industrial Activities. Industrial activities conducted at a facility that are described by two or more SIC codes listed in this general permit.

Co-located Industrial Facilities. Industrial facilities, having different operators, that are located on a common property or adjoining property and that conduct industrial activities described by one or more sectors of this general permit.

Composite Sample. A sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (b).

Construction Activity. Includes soil disturbance activities, including clearing, grading, and excavating; and does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

- **Small Construction Activity** is construction activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.
- **Large Construction Activity** is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

Control Measure. Any BMP, including structural and non-structural controls, or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to water in the state.

Daily Average Concentration. The arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements. When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month must be used as the daily average concentration.

Daily Maximum Concentration. The maximum concentration measured on a single day, as determined by laboratory analysis of a grab sample or a composite sample.

Diffuse Point Source. A conveyance from which pollutants are or may be discharged that results from grading land for the purpose of adding parking lots, roads, and buildings so as to collect and convey stormwater off-site to prevent flooding (i.e. without a single point of origin or not introduced into a receiving stream from a specific outlet). Diffuse point sources include any identifiable conveyance from which pollutants might enter surface water in the state. By changing the surface or establishing grading patterns of the land, runoff is conveyed along the resulting drainage or grading patterns. A diffuse point source is not true sheet flow.

Discharge. For the purpose of this permit, the drainage, release, or disposal of stormwater associated with industrial activity and certain allowable non-stormwater sources listed in this general permit to surface water in the state.

Drought. For the purpose of this permit, an extended period of no precipitation in which a stormwater discharge does not occur during a monitoring or reporting period.

Edwards Aquifer. As defined under 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 of the TCEQ and the appropriate underground water conservation district.

Existing Discharge. For the purpose of this permit, this term applies to the discharge of stormwater associated with industrial activity and certain allowable non-stormwater sources listed in this general permit that has been authorized previously under an National Pollutant Discharge Elimination System (NPDES) or Texas Pollutant Discharge Elimination System (TPDES) general or individual permit.

Facility. For the purpose of this permit, all contiguous land and fixtures (including ponds and lagoons), structures, or appurtenances used at an industrial facility described by one or more of Sectors A through AD of this general permit.

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

General Permit. A permit issued to authorize 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 TWC §26.040.

Hyperchlorinated Water. Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/l).

Hyperchlorination of Waterlines or Vessels. Treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

Impaired Water. For the purposes of this permit, water bodies identified as impaired on the latest approved CWA Section 303(d) List, or waters with an EPA-approved or established total maximum daily load (TMDL) that are found on the latest EPA approved Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d) as not meeting applicable state water quality standards.

Inactive Industrial Facilities. A facility where all industrial activities that are described in Part II, Section A.1. of this permit are suspended, and authorization under this general permit is required to be maintained. Also see sector-specific definitions for Inactive facilities in Part V, Sections G, H, J, and L of this general permit.

Industrial Activity. Any of the ten (10) categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 Code of Federal Regulations (CFR) §122.26(b)(14)(i)-(ix) and (xi).

Infeasible. For the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. The TCEQ notes that it does not intend for any MSGP permit requirement to conflict with state water right laws.

Inland Waters. All surface water in the state other than those defined as tidal waters.

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):

- (a) owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA §208 that discharges to surface water in the state;
- (b) that is designed or used for collecting or conveying stormwater;
- (c) that is not a combined sewer; and
- (d) that is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

National Pollutant Discharge Elimination System (NPDES) (from 40 CFR §122.2). The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §§307, 402, 318, and 405. The term includes an "approved program."

New Discharge. For the purpose of this permit, this term applies to the discharge of stormwater associated with industrial activity that did not commence prior to August 13, 1979, that is not a new source, and that has never received an NPDES or TPDES water quality permit for the stormwater discharge from the site. See 40 CFR §122.2.

Non-structural Controls. Pollution prevention methods that are not physically constructed, including BMPs used to prevent or reduce the discharge of pollutants.

No Exposure. A condition at an industrial facility where all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

No Exposure Certification (NEC). A written submission to the executive director from an applicant notifying that they intend to obtain a conditional exclusion from permit requirements by certifying that there is no exposure of industrial materials or activities to rain, snow, snowmelt, or stormwater runoff.

Notice of Change (NOC). Written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent or no exposure certification (NEC) form.

Notice of Intent (NOI). A written submission to the executive director from an applicant requesting coverage under this general permit.

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

Operator. A person responsible for the management of an industrial facility subject to the provisions of this general permit. Industrial facility operators include entities with operational control over industrial activities, including the ability to modify those activities; or entities with day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Outfall. For the purpose of this permit, a point source at the point where stormwater runoff associated with industrial activity, and certain non-stormwater discharges listed in this permit, exits the facility and discharge(s) to surface water in the state or a municipal or private separate storm sewer system. An outfall from a diffuse point source includes the point or points where the diffuse point source discharges to surface water in the state or a municipal or private separate storm sewer system.

Permittee. An operator authorized under this general permit to discharge stormwater runoff associated with industrial activity and certain non-stormwater discharges to surface water in the state.

Point Source. Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. For the purpose of this permit, a point source includes any identifiable conveyance from which pollutants might enter surface water in the state, including a diffuse point source as defined in this section.

Pollutant. (from TWC §26.001(13)) Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any water in the state. The term: (A) includes: (i) tail water or runoff water from irrigation associated with an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone as defined by TWC §26.502; or (ii) rainwater runoff from the confinement area

of an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone, as defined by TWC §26.502; and (B) does not include tail water or runoff water from irrigation or rainwater runoff from other cultivated or uncultivated rangeland, pastureland, and farmland or rainwater runoff from an area of land located in a major sole source impairment zone, as defined by TWC §26.502, that is not owned or controlled by an operator of an animal feeding operation or concentrated animal feeding operation on which agricultural waste is applied.

Pollutant(s) of Concern (POC). For the purpose of this permit, a pollutant of concern (POC) includes biochemical oxygen demand (BOD), sediment, or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity, or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4 (See 40 CFR § 122.32(e)(3)).

Qualified Personnel. A person or persons who are knowledgeable of the requirements of this general permit, familiar with the industrial facility, knowledgeable of the stormwater pollution prevention plan (SWP3) at the industrial facility, able to assess conditions and activities that could impact stormwater quality at the facility, and able to evaluate the effectiveness of control measures.

Reportable Quantity Spill or Release. A discharge or spill of oil, petroleum product, used oil, industrial solid waste, hazardous substances including mixtures, streams, or solutions, or other substances into the environment in a quantity equal to or greater than the reportable quantity listed in 30 TAC §327.4 (relating to Reportable Quantities) in any 24-hour period and subject to 30 TAC §327.3 (relating to Notification Requirements).

Semiarid Areas. Areas with an average annual rainfall of at least ten (10) inches but less than 20 inches.

Separate storm sewer system. A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying stormwater; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW).

Sheet Flow. An overland flow or downslope movement of water taking the form of a thin, continuous film over relatively smooth soil or rock surfaces that have not been changed or graded, where there are no defined channels, and the flood water spreads out over a large area at a uniform depth. This definition does not include changing the surface of land or establishing grading patterns on land where a facility described in this permit is located, which would result in a point source as defined in this permit.

Significant Materials. Including, but not limited to: raw materials; fuels; materials (e.g., solvents, detergents, and plastic pellets); final products that are not designed for outdoor use; raw materials that are used for food processing or production; hazardous substances designated under CERCLA §101(14) of; any chemical the operator is required to report pursuant to Emergency Planning & Community Right-To-Know Act (EPCRA) §313, also known as Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Standard Industrial Classification (SIC) Code. A four (4) digit code created by the U.S. Office of Management & Budget for statistical classification purposes that describes an industrial activity that takes place at a facility or site. It is possible for a facility or site to have multiple SIC codes depending on the varying activities that take place.

- **Primary SIC Code - (also known as “Site SIC Code” or “Facility SIC Code”).** For the purpose of this permit, an SIC code that describes the principal product or group of products produced or distributed at a facility, or that describes services rendered. The primary SIC code may be determined based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary SIC code.
- **Secondary SIC Code.** For the purpose of this permit an SIC code that describes an industrial activity that is performed at a regulated facility or site that is in addition to the primary SIC code. Determining the secondary industrial activity that occurs at a facility or site is accomplished by using the same criteria as determining the primary industrial activity at the facility (e.g., production value, receipts, employment).

Storm Resistant Shelter. A building or structure that is completely roofed and walled, or a structure with only a top cover but no side coverings, provided that any material or industrial activity located under or within the structure is not subject to any run-on and subsequent runoff of stormwater, or mobilization by wind.

Stormwater and Stormwater Runoff. Rainfall runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater Discharge Associated with Industrial Activity. The discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. For the purpose of this general permit, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling areas; refuse/waste disposal areas; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms), intermediate products, and final products; similar areas where stormwater can contact pollutants related to industrial activity; and areas where industrial activity have taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this definition, materials handling areas include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located at industrial sites that are separate from the facility's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with stormwater drained from areas of a facility that are covered by this general permit. This term includes discharges from facilities described under this general permit that are operated by federal, state, or municipal entities. For the complete regulatory definition, including the categories of industrial activity, see 40 CFR §122.26(b)(14).

Structural Controls. Physical or constructed features, such as silt fencing, sediment traps, and detention/retention ponds that prevent or reduce the discharge of pollutants.

Surface Water in the State. 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 (from the mean high water mark (MHW) out 10.36 miles into the

Gulf), 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 water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems that are authorized by state or federal law, regulation, or permit, and that are created for the purpose of waste treatment are not considered to be 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 CWA §§ 307, 402, 318 and 405, TWC, and TAC regulations.

Tidal Waters. Those waters of the Gulf of Mexico within the jurisdiction of the State of Texas, bays and estuaries, and those portions of rivers and streams that are subject to the ebb and flow of the tides and that are subject to the intrusion of marine waters.

Total Maximum Daily Load (TMDL). The total amount of a pollutant that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Waters of the United States (from 40 CFR §122.2). Waters of the United States or waters of the U.S. means:

- (a) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;
- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) that are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) that are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the U.S. under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR §423.11(m) that also meet the criteria of this definition) are not waters of the U.S. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. [See Note 1 of this section.] Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Part II. PERMIT APPLICABILITY AND COVERAGE

This general permit provides authorization for point source discharges of stormwater associated with industrial activity and certain non-stormwater discharges to surface water in the state (including direct discharges to surface water in the state and discharges to municipal separate storm sewer systems, or MS4s). The permit contains effluent limitations and requirements applicable to all industrial activities that are eligible for coverage under this general permit. Industrial activities are subdivided into 30 industrial sectors.

This permit does not cover return flows from irrigated agriculture or agricultural runoff.

Section A. Discharges Eligible for Authorization by General Permit**1. Industrial Activities Covered**

- (a) Need for a Permit. If any of the following criteria are met, a facility must have authorization for stormwater discharges and may obtain authorization under this general permit, if coverage is not otherwise prohibited:
 - (1) The Standard Industrial Classification (SIC) code that describes the facility (i.e., the primary SIC code) is listed in Part II, Section A.1.b. below and in Part V of this general permit; or
 - (2) The facility conducts an activity described by one or more Industrial Activity Codes described in Sectors K, L, O, or T (as listed in Part II, Section A.1.b. below and in Part V., Sections K, L, O, and T of this general permit); or
 - (3) Stormwater discharges from the facility are subject to federal categorical effluent limitations for stormwater in Title 40 CFR Subchapter N Parts 400-471 (See Sectors A, C, D, E, I, J, O, and S in Part V of this general permit), or
 - (4) The facility has been designated by the executive director as requiring coverage under Sector AD.

The requirements for publicly-owned facilities are further described below in Part II, Section A.5. of this general permit.

- (b) Regulated SIC Codes and Industrial Activity Codes (Industrial Sectors)

Industrial activities are grouped into 30 sectors of similar activities based on either SIC codes or Industrial Activity Codes. These sectors are further divided into sub-sectors and further defined by SIC codes in Part V of this general permit.

SECTOR A: TIMBER PRODUCTS

SIC Code	Description of the Industrial Activity
2411	Logging
2421	Sawmills and Planning Mills, General
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431	Millwork, Veneer, Plywood, And Structural Wood
2435	Hardwood Veneer and Plywood
2436	Softwood Veneer and Plywood
2439	Structural Wood Members, Not Elsewhere Classified
2441	Nailed and Lock Corner Wood Boxes and Shook
2448	Wood Pallets and Skids
2449	Wood Containers, Not Elsewhere Classified
2451	Mobile Homes
2452	Prefabricated Wood Buildings and Components
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified

SECTOR B: PAPER AND ALLIED PRODUCTS

SIC Code	Description of the Industrial Activity
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652	Setup Paperboard Boxes
2653	Corrugated and Solid Fiber Boxes
2655	Fiber Cans, Tubes, Drums, and Similar Products
2656	Sanitary Food Containers, Except Folding sanitary cartons
2657	Folding Paperboard Boxes, Including Sanitary folding cartons
2671	Packaging Paper and Plastics Film, Coated and Laminated
2672	Coated and Laminated Paper, Not Elsewhere Classified
2673	Plastics, Foil, and Coated Paper Bags
2674	Uncoated Paper and Multiwall Bags

SIC Code	Description of the Industrial Activity
2675	Die-Cut Paper and Paperboard and Cardboard
2676	Sanitary Paper Products
2677	Envelopes
2678	Stationery, Tablets, and Related Products
2679	Converted Paper and Paperboard Products, Not Elsewhere Classified

SECTOR C: CHEMICAL AND ALLIED PRODUCTS

SIC Code	Description of the Industrial Activity
2812	Industrial Inorganic Chemicals Alkalies and Chlorine
2813	Industrial Inorganic Chemicals Industrial Gases
2816	Inorganic Pigments
2819	Industrial Inorganic Chemicals, Not Elsewhere Classified
2821	Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers
2822	Synthetic Rubber (Vulcanizable Elastomers)
2823	Cellulosic Manmade Fibers
2824	Manmade Organic Fibers, Except Cellulosic
2833	Medicinal Chemicals and Botanical Products
2834	Pharmaceutical Preparations
2835	In Vitro and In Vivo Diagnostic Substances
2836	Biological Products, Except Diagnostic Substances
2841	Soap & Other Detergents, Except Specialty Cleaners
2842	Specialty Cleaning, Polishing, and Sanitation Preparations
2843	Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants
2844	Perfumes, Cosmetics, and Other Toilet Preparations
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861	Gum and Wood Chemicals
2865	Cyclic Organic Crudes and Intermediates, and Organic Dyes and Pigments
2869	Industrial Organic Chemicals, Not Elsewhere Classified
2873	Nitrogenous Fertilizers
2874	Phosphatic Fertilizers

SIC Code	Description of the Industrial Activity
2875	Fertilizers, Mixing Only Compost Fertilizers, mixed: made in plants not manufacturing fertilizer Potting soil, mixed
2879	Pesticides and Agricultural Chemicals, Not Elsewhere Classified
2891	Adhesives and Sealants
2892	Explosives
2893	Printing Ink
2895	Carbon Black
2899	Chemicals and Chemical Preparations, Not Elsewhere Classified
2911	Petroleum Refineries
3952	(Limited to List)-Inks and Paints, including: China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting; Artist's Paints, and Artist's Watercolors

SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS

SIC Code	Description of the Industrial Activity
2951	Asphalt Paving Mixtures and Blocks
2952	Asphalt Felts and Coatings
2992	Lubricating Oils and Greases
2999	Products of Petroleum and Coal, Not Elsewhere Classified

SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS

SIC Code	Description of the Industrial Activity
3211	Flat Glass
3221	Glass Containers for commercial packing and bottling, and for home canning
3229	Pressed and Blown Glass and Glassware, Not Elsewhere Classified
3231	Glass Products, Made of Purchased Glass
3241	Cement, Hydraulic
3251	Brick and Structural Clay Tile
3253	Ceramic Wall and Floor Tile
3255	Clay Refractories
3259	Structural Clay Products, Not Elsewhere Classified

SIC Code	Description of the Industrial Activity
3261	Vitreous China Plumbing Fixtures and China and Earthenware Fittings and Bathroom Accessories
3262	Vitreous China Table and Kitchen Articles
3263	Fine Earthenware (Whiteware) Table and Kitchen Articles
3264	Porcelain Electrical Supplies
3269	Pottery Products, Not Elsewhere Classified
3271	Concrete Block and Brick
3272	Concrete Products, Except Block and Brick
3273	Ready-Mixed Concrete
3274	Lime
3275	Gypsum Products
3281	Cut Stone and Stone Products
3291	Abrasive Products
3292	Asbestos Products
3295	Minerals and Earths, Ground or Otherwise Treated
3296	Mineral Wool
3297	Nonclay Refractories
3299	Nonmetallic Mineral Products, Not Elsewhere Classified

SECTOR F: PRIMARY METALS

SIC Code	Description of the Industrial Activity
3312	Steel Works, Blast Furnaces (Including Coke Ovens), and Rolling Mills
3313	Electrometallurgical Products, Except Steel
3315	Steel Wiredrawing and Steel Nails and Spikes
3316	Cold-Rolled Steel Sheet, Strip, and Bars
3317	Steel Pipe and Tubes
3321	Gray and Ductile Iron Foundries
3322	Malleable Iron Foundries
3324	Steel Investment Foundries
3325	Steel Foundries, Not Elsewhere Classified
3331	Primary Smelting and Refining of Copper
3334	Primary Production of Aluminum

SIC Code	Description of the Industrial Activity
3339	Primary Smelting and Refining of Nonferrous Metals, Except Copper and Aluminum
3341	Secondary Smelting and Refining of Nonferrous Metals
3351	Rolling, Drawing, and Extruding Of Copper
3353	Aluminum Sheet, Plate, and Foil
3354	Aluminum Extruded Products
3355	Aluminum Rolling and Drawing, Not Elsewhere Classified
3356	Rolling, Drawing, and Extruding of Nonferrous Metals, Except Copper and Aluminum
3357	Drawing and Insulating of Nonferrous Wire
3363	Aluminum Die-Castings
3364	Nonferrous Die-Castings, Except Aluminum
3365	Aluminum Foundries
3366	Copper Foundries
3369	Nonferrous Foundries, Except Aluminum and Copper
3398	Metal Heat Treating
3399	Primary Metal Products, Not Elsewhere Classified

SECTOR G: METAL MINING (ORE MINING AND DRESSING)

SIC Code	Description of the Industrial Activity
1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041	Gold Ores
1044	Silver Ores
1061	Ferroalloy Ores, Except Vanadium
1081	Metal Mining Services
1094	Uranium-Radium-Vanadium Ores
1099	Miscellaneous Metal Ores, Not Elsewhere Classified

SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES

SIC Code	Description of the Industrial Activity
1221	Bituminous Coal and Lignite Surface Mining

SIC Code	Description of the Industrial Activity
1222	Bituminous Coal Underground Mining
1231	Anthracite Mining
1241	Coal Mining Services

SECTOR I: OIL AND GAS EXTRACTION FACILITIES

SIC Code	Description of the Industrial Activity
<i>Industrial Activities Regulated under the EPA Region 6 NPDES Program:</i>	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381	Drilling Oil and Gas Wells
1382	Oil and Gas Field Exploration Services
1389	Oil and Gas Field Services, Not Elsewhere Classified (Applies to activities that occur in the field; (other than oil field service company “home base” facilities).
<i>Industrial Activities Regulated under this General Permit:</i>	
1389	Oil and Gas Field Services, (applies to activities that do not occur in the field); Not Elsewhere Classified, that occur at a company headquarters, permanent offices, or base of operations, or at oil field service company “home base” facilities).

SECTOR J: MINERAL MINING AND PROCESSING FACILITIES

SIC Code	Description of the Industrial Activity
1411	Dimension Stone
1422	Crushed and Broken Limestone
1423	Crushed and Broken Granite
1429	Crushed and Broken Stone, Not Elsewhere Classified
1442	Construction Sand and Gravel
1446	Industrial Sand
1455	Kaolin and Ball Clay
1459	Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified
1474	Potash, Soda, and Borate Minerals
1475	Phosphate Rock
1479	Chemical and Fertilizer Mineral Mining, Not Elsewhere Classified

SIC Code	Description of the Industrial Activity
1481	Nonmetallic Minerals Services, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels

SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Activity Code	Description of the Industrial Activity
HZ	HZ Hazardous Waste Treatment, Storage, and Disposal Facilities

SECTOR L: LANDFILLS AND LAND APPLICATION SITES

Activity Code	Description of the Industrial Activity
LF	Landfills, Land Application Sites, and Open Dumps that Receive or Have Previously Received Industrial Waste. under subtitle C of RCRA & including those that are subject to regulation under subtitle D of RCRA

SECTOR M: AUTOMOBILE SALVAGE YARDS

SIC Code	Description of the Industrial Activity
5015	Automobile Salvage Yards

SECTOR N: SCRAP AND WASTE RECYCLING FACILITIES

SIC Code	Description of the Industrial Activity
5093	Scrap and Waste Recycling Facilities (e.g., metals, paper, plastic, cardboard, glass, animal hides, used oil, antifreeze, mineral spirits, industrial solvents, computers, electronics, and other materials listed in the SIC Code Manual

SECTOR O: STEAM ELECTRIC GENERATING FACILITIES

Activity Code	Description of the Industrial Activity
SE	Steam Electric Power Generating Facilities

SECTOR P: LAND TRANSPORTATION AND WAREHOUSING

SIC Code	Description of the Industrial Activity
4011	Railroads, Line-Haul Operating
4013	Railroad Switching and Terminal Establishments
4111	Local and Suburban Transit
4119	Local Passenger Transportation, Not Elsewhere Classified
4121	Taxicabs
4131	Intercity and Rural Bus Transportation
4141	Bus charter service, local
4142	Bus Charter Service, Except Local
4151	School Buses
4173	Terminal and Service Facilities for Motor Vehicle Passenger Transportation
4212	Local Trucking Without Storage
4213	Trucking, Except Local
4214	Local Trucking With Storage
4215	Courier Services, Except by Air
4221	Farm Product Warehousing and Storage
4222	Refrigerated Warehousing and Storage
4225	General Warehousing and Storage
4226	Special Warehousing and Storage, Not Elsewhere Classified
4231	Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311	United States Postal Service
5171	Petroleum Bulk stations and Terminals primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities

SECTOR Q: WATER TRANSPORTATION

SIC Code	Description of the Industrial Activity
4412	Deep Sea Foreign Transportation of Freight
4424	Deep Sea Domestic Transportation of Freight
4449	Water Transportation of Freight, Not Elsewhere Classified
4481	Deep Sea Transportation of Passengers, Except by Ferry

SIC Code	Description of the Industrial Activity
4482	Ferries
4489	Water Transportation of Passengers, Not Elsewhere Classified
4491	Marine Cargo Handling
4492	Towing and Tugboat Services
4493	Marinas
4499	Water Transportation Services, Not Elsewhere Classified

SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS

SIC Code	Description of the Industrial Activity
3731	Ship Building and Repairing
3732	Boat Building and Repairing

SECTOR S: AIR TRANSPORTATION

SIC Code	Description of the Industrial Activity
4512	Air Transportation, Scheduled
4513	Air Courier Services
4522	Air Transportation, Nonscheduled
4581	Airports, Flying Fields, and Airport Terminal Services

SECTOR T: TREATMENT WORKS

Activity Code	Description of the Industrial Activity
TW	TW Certain Wastewater Treatment Plants

SECTOR U: FOOD AND KINDRED PRODUCTS FACILITIES

SIC Code	Description of the Industrial Activity
2011	Meat Packing Plants
2013	Sausages and Other Prepared Meat Products
2015	Poultry Slaughtering and Processing
2021	Creamery Butter
2022	Natural, Processed, and Imitation Cheese
2023	Dry, Condensed, and Evaporated Dairy Products

SIC Code	Description of the Industrial Activity
2024	Ice Cream and Frozen Desserts
2026	Fluid Milk
2032	Canned Specialties
2033	Canned Fruits, Vegetables, Preserves, Jams, and Jellies
2034	Dried and Dehydrated Fruits, Vegetables, and Soup Mixes
2035	Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressing
2037	Frozen Fruits, Fruit Juices, and Vegetables
2038	Frozen Specialties, Not Elsewhere Classified
2041	Flour and Other Grain Mill Products
2043	Cereal Breakfast Foods
2044	Rice Milling
2045	Prepared Flour Mixes and Doughs
2046	Wet Corn Milling
2047	Dog and Cat Food
2048	Prepared Feed and Feed Ingredients for Animals and Fowls, Except Dogs and Cats
2051	Bread and Other Bakery Products, Except Cookies and Crackers
2052	Cookies and Crackers
2053	Frozen Bakery Products, Except Bread
2061	Cane Sugar, Except Refining
2062	Cane Sugar Refining
2063	Beet Sugar
2064	Candy and Other Confectionery Products
2066	Chocolate and Cocoa Products
2067	Chewing Gum
2068	Salted and Roasted Nuts and Seeds
2074	Cottonseed Oil Mills
2075	Soybean Oil Mills
2076	Vegetable Oil Mills, Except Corn, Cottonseed, and Soybean
2077	Animal and Marine Fats and Oils
2079	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils, Not Elsewhere Classified
2082	Malt Beverages

SIC Code	Description of the Industrial Activity
2083	Malt
2084	Wines, Brandy, and Brandy Spirits
2085	Distilled and Blended Liquors
2086	Bottled and Canned Soft Drinks and Carbonated Waters
2087	Flavoring Extracts and Flavoring Syrups, Not Elsewhere Classified
2091	Canned and Cured Fish and Seafoods
2092	Prepared Fresh or Frozen Fish and Seafoods
2095	Roasted Coffee
2096	Potato Chips, Corn Chips, and Similar Snacks
2097	Manufactured Ice
2098	Macaroni, Spaghetti, Vermicelli, and Noodles
2099	Food Preparations, Not Elsewhere Classified
2111	Cigarettes
2121	Cigars
2131	Chewing and Smoking Tobacco and Snuff
2141	Tobacco Stemming and Redrying

**SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT
MANUFACTURING FACILITIES**

SIC Code	Description of the Industrial Activity
2211	Broadwoven Fabric Mills, Cotton
2221	Broadwoven Fabric Mills, Manmade Fiber and Silk
2231	Broadwoven Fabric Mills, Wool (Including Dyeing and Finishing)
2241	Narrow Fabric and Other Smallware Mills: Cotton, Wool, Silk, and Manmade Fiber
2251	Women's Full-Length and Knee-Length Hosiery, Except Socks
2252	Hosiery, Not Elsewhere Classified
2253	Knit Outerwear Mills
2254	Knit Underwear and Nightwear Mills
2257	Weft Knit Fabric Mills
2258	Lace and Warp Knit Fabric Mills
2259	Knitting Mills,

SIC Code	Description of the Industrial Activity
	Not Elsewhere Classified
2261	Finishers of Broadwoven Fabrics of Cotton
2262	Finishers of Broadwoven Fabrics of Manmade Fiber and Silk
2269	Finishers of Textiles, Not elsewhere Classified
2273	Carpets and Rugs
2281	Yarn Spinning Mills
2282	Yarn Texturizing, Throwing, Twisting, and Winding Mills
2284	Thread Mills
2295	Coated Fabrics, Not Rubberized
2296	Tire Cord and Fabrics
2297	Non-woven Fabrics
2298	Cordage and Twine
2299	Textile goods, Not Elsewhere Classified
2311	Men's and Boys' Suits, Coats, and Overcoats
2321	Men's and Boys' Shirts, Except Work Shirts
2322	Men's and Boys' Underwear and Nightwear
2323	Men's and Boys' Neckwear
2325	Men's and Boys' Separate Trousers and Slacks
2326	Men's and Boys' Work Clothing
2329	Men's and Boys' Clothing, Not Elsewhere Classified
2331	Women's, Misses', and Juniors' Blouses and Shirts
2335	Women's, Misses', and Juniors' Dresses
2337	Women's, Misses', and Juniors' Suits, Skirts, and Coats
2339	Women's, Misses', and Juniors' Outerwear, Not Elsewhere Classified
2341	Women's, Misses', Children's, and Infants' Underwear and Nightwear
2342	Brassieres, Girdles, and Allied Garments
2353	Hats, Caps, and Millinery
2361	Girls', Children's, and Infants' Dresses, Blouses, and Shirts
2369	Girls', Children's, and Infants' Outerwear, Not Elsewhere Classified
2371	Fur Goods
2381	Dress and Work Gloves, Except Knit and All-Leather
2384	Robes and Dressing Gowns
2385	Waterproof Outerwear

SIC Code	Description of the Industrial Activity
2386	Leather and Sheep-Lined Clothing
2387	Apparel belts
2389	Apparel and Accessories, Not Elsewhere Classified
2391	Curtains and Draperies
2392	House furnishing, Except Curtains and Draperies
2393	Textile Bags
2394	Canvas and Related Products
2395	Pleating, Decorative and Novelty Stitching, and Tucking for the Trade
2396	Automotive Trimmings, Apparel Findings, and Related Products
2397	Schiffli Machine Embroideries
2399	Fabricated Textile Products, Not Elsewhere Classified
3131	Boot and Shoe Cut Stock and Findings
3142	House Slippers
3143	Men's Footwear, Except Athletic
3144	Women's Footwear, Except Athletic
3149	Footwear, Except Rubber, Not Elsewhere Classified
3151	Leather Gloves and Mittens
3161	Luggage
3171	Women's Handbags and Purses
3172	Personal Leather Goods, Except Women's Handbags and Purses
3199	Leather Goods, Not Elsewhere Classified

SECTOR W: FURNITURE AND FIXTURES

SIC Code	Description of the Industrial Activity
2434	Wood Kitchen Cabinets
2511	Wood Household Furniture, Except Upholstered
2512	Wood Household Furniture, Upholstered
2514	Metal Household Furniture
2115	Mattresses, Foundations, and Convertible Beds
2517	Wood Television, Radio, Phonograph, and Sewing Machine Cabinets
2519	Household Furniture, Not Elsewhere Classified
2521	Wood Office Furniture
2522	Office Furniture, Except Wood

SIC Code	Description of the Industrial Activity
2531	Public Building and Related Furniture
2541	2541 Wood Office and Store Fixtures, Partitions, Shelving, and Lockers
2542	Office and Store Fixtures, Partitions, Shelving, and Lockers, Except Wood
2591	Drapery Hardware and Window Blinds and Shades
2599	Furniture and Fixtures, Not Elsewhere Classified

SECTOR X: PRINTING AND PUBLISHING

SIC Code	Description of the Industrial Activity
2711	Newspapers: Publishing, or Publishing and Printing
2721	Periodicals: Publishing, or Publishing and Printing
2731	Books: Publishing, or Publishing and Printing
2732	Book Printing
2741	Miscellaneous Publishing
2752	Commercial Printing, Lithographic
2754	Commercial Printing, Gravure
2759	Commercial Printing, Not Elsewhere Classified
2761	Manifold Business Forms
2771	Greeting Cards
2782	Blankbooks, Looseleaf Binders and Devices
2789	Bookbinding and Related Work
2791	Typesetting
2796	Platemaking and Related Services

**SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND
MISCELLANEOUS MANUFACTURING FACILITIES**

SIC Code	Description of the Industrial Activity
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052	Rubber and Plastics Hose and Belting
3053	Gaskets, Packing, and Sealing Devices
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods
3069	Fabricated Rubber Products, Not Elsewhere Classified
3081	Unsupported Plastics Film and Sheet
3082	Unsupported Plastics Profile Shapes
3083	Laminated Plastics Plate, Sheet, and Profile Shapes
3084	Plastics Pipe
3085	Plastics Bottles
3086	Plastics Foam Products
3087	Custom Compounding of Purchased Plastics Resins
3088	Plastics Plumbing Fixtures
3089	Plastics Products, Not Elsewhere Classified
3931	Musical Instruments
3942	Dolls and Stuffed Toys
3944	Games, Toys, and Children's Vehicles, Except Dolls and Bicycles
3949	Sporting and Athletic Goods, Not Elsewhere Classified
3951	Pens, Mechanical Pencils, and Parts
3953	Marking Devices
3955	Carbon Paper and Inked Ribbons
3961	Costume Jewelry and Costume Novelties, Except Precious Metal
3965	Fasteners, Buttons, Needles, and Pins
3991	Brooms and Brushes
3993	Signs and Advertising Specialties
3995	Burial Caskets
3996	Linoleum, Asphalted-Felt-Base, and Other Hard Surface Floor Coverings, Not Elsewhere Classified
3999	Manufacturing Industries, Not Elsewhere Classified

SECTOR Z: LEATHER TANNING AND FINISHING

SIC Code	Description of the Industrial Activity
3111	Leather Tanning and Finishing

SECTOR AA: FABRICATED METAL PRODUCTS FACILITIES

SIC Code	Description of the Industrial Activity
3411	Metal Cans
3412	Metal Shipping Barrels, Drums, Kegs, and Pails
3421	Cutlery
3423	Hand and Edge Tools, Except Machine Tools and Handsaws
3425	Saw Blades and Handsaws
3429	Hardware, Not Elsewhere Classified
3431	Enameled Iron and Metal Sanitary Ware
3432	Plumbing Fixture Fittings and Trim
3433	Heating Equipment, Except Electric and Warm Air Furnaces
3441	Fabricated Structural Metal
3442	Metal Doors, Sash, Frames, Molding, and Trim Manufacturing
3443	Fabricated Plate Work (Boiler Shops)
3444	Sheet Metal Work
3446	Architectural and Ornamental Metal Work
3448	Prefabricated Metal Buildings and Components
3449	Miscellaneous Structural Metal Work
3451	Screw Machine Products
3452	Bolts, Nuts, Screws, Rivets, and Washers
3462	Iron and Steel Forgings
3463	Nonferrous Forgings
3465	Automotive Stampings
3466	Crowns and Closures
3469	Metal Stampings, Not Elsewhere Classified
3471	Electroplating, Plating, Polishing, Anodizing, and Coloring
3479	Coating, Engraving, and Allied Services, Not Elsewhere Classified
3482	Small Arms Ammunition

SIC Code	Description of the Industrial Activity
3483	Ammunition, Except for Small Arms
SIC Code	Description of the Industrial Activity
3484	Small Arms Manufacturing
3489	Ordnance and Accessories, Not Elsewhere Classified
3491	Industrial Valves
3492	Fluid Power Valves and Hose Fittings
3493	Steel Springs, Except Wire
3494	Valves and Pipe Fittings, Not Elsewhere Classified
3495	Wire Springs
3496	Miscellaneous Fabricated Wire Products
3497	Metal Foil and Leaf
3498	Fabricated Pipe and Pipe Fittings
3499	Fabricated Metal Products, Not Elsewhere Classified
3911	Jewelry, Precious Metal
3914	Silverware, Plated Ware, and Stainless Steel Ware
3915	Jewelers' Findings and Materials, and Lapidary Work

**SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR
COMMERCIAL MACHINERY MANUFACTURING FACILITIES**

SIC Code	Description of the Industrial Activity
3511	Steam, Gas, and Hydraulic Turbines, and Turbine Generator Set Units
3519	Internal Combustion Engines, Not Elsewhere Classified
3523	Farm Machinery and Equipment
3524	Lawn and Garden Tractors and Home Lawn and Garden Equipment
3531	Construction Machinery and Equipment
3532	Mining Machinery and Equipment, Except Oil and Gas Field Machinery and Equipment
3533	Oil and Gas Field Machinery and Equipment
3534	Elevators and Moving Stairways
3535	Conveyors and Conveying Equipment
3536	Overhead Traveling Cranes, Hoists, and Monorail Systems
3537	Industrial Trucks, Tractors, Trailers, and Stackers
3541	Machine Tools, Metal Cutting Types

SIC Code	Description of the Industrial Activity
3542	Machine Tools, Metal Forming Types
3543	Industrial Patterns
3544	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds
3545	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices
3546	Power-Driven Hand tools
3547	Rolling Mill Machinery and Equipment
3548	Electric and Gas Welding and Soldering Equipment
3549	Metalworking Machinery, Not Elsewhere Classified
3552	Textile Machinery
3553	Woodworking Machinery
3554	Paper Industries Machinery
3555	Printing Trades Machinery and Equipment
3556	Food Products Machinery
3559	Special Industry Machinery, Not Elsewhere Classified
3561	Pumps and Pumping Equipment
3562	Ball and Roller Bearings
3563	Air and Gas Compressors
3564	Industrial and Commercial Fans and Blowers and Air Purification Equipment
3565	Packaging Machinery
3566	Speed Changers, Industrial High-Speed Drives, and Gears
3567	Industrial Process Furnaces and Ovens
3568	Mechanical Power Transmission Equipment, Not Elsewhere Classified
3569	General Industrial Machinery and Equipment, Not Elsewhere
3581	Automatic Vending Machines
3582	Commercial Laundry, Drycleaning, and Pressing Machines
3585	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment
3586	Measuring and Dispensing Pumps
3589	Service Industry Machinery, Not Elsewhere Classified
3592	Carburetors, Pistons, Piston Rings, and Valves
3593	Fluid Power Cylinders and Actuators
3594	Fluid Power Pumps and Motors

SIC Code	Description of the Industrial Activity
3596	Scales and Balances, Except Laboratory

SIC Code	Description of the Industrial Activity
3599	Industrial and Commercial Machinery and Equipment, Not Elsewhere Classified
3711	Motor Vehicles and Passenger Car Bodies
3713	Truck and Bus Bodies
3714	Motor Vehicle Parts and Accessories
3715	Truck Trailers
3716	Motor Homes
3721	Aircraft
3724	Aircraft Engines and Engine Parts
3728	Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified
3743	Railroad Equipment
3751	Motorcycles, Bicycles, and Parts
3761	Guided Missiles and Space Vehicles
3764	Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts
3769	Guided Missile Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified
3792	Travel Trailers and Campers
3795	Tanks and Tank Components
3799	Transportation Equipment, Not Elsewhere Classified

SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS

SIC Code	Description of the Industrial Activity
3571	Electronic Computers
3572	Computer Storage Devices
3575	Computer Terminals
3577	Computer Peripheral Equipment, Not Elsewhere Classified
3578	Calculating and Accounting Machines, Except Electronic Computers
3579	Office Machines, Not Elsewhere Classified
3612	Power, Distribution, and Specialty Transformers

SIC Code	Description of the Industrial Activity
3613	Switchgear and Switchboard Apparatus
3621	Motors and Generators
3624	Carbon and Graphite Products
3625	Relays and Industrial Controls
3629	Electrical Industrial Apparatus, Not Elsewhere Classified
3631	Household Cooking Equipment
3632	Household Refrigerators and Home and Farm Freezers
3633	Household Laundry Equipment
3634	Electric Housewares and Fans
3635	Household Vacuum Cleaners
3639	Household Appliances, Not Elsewhere Classified
3641	Electric Lamp Bulbs and Tubes
3643	Current-Carrying Wiring Devices
3644	Noncurrent-Carrying Wiring Devices
3645	Residential Electric Lighting Fixtures
3646	Commercial, Industrial, and Institutional Electric Lighting Fixtures
3647	Vehicular Lighting Equipment
3648	Lighting Equipment, Not Elsewhere Classified
3651	Household Audio and Video Equipment
3652	Phonograph Records and Prerecorded Audio Tapes and Disks
3661	Telephone and Telegraph Apparatus
3663	Radio and Television Broadcasting and Communications Equipment
3669	Communications Equipment, Not Elsewhere Classified
3671	Electron Tubes
3672	Printed Circuit Boards
3674	Semiconductors and Related Devices
3675	Electronic Capacitors
3676	Electronic Resistors
3677	Electronic Coils, Transformers, and Other Inductors
3678	Electronic Connectors
3679	Electronic Components, Not Elsewhere Classified
3691	Storage Batteries
3692	Primary Batteries, Dry and Wet

SIC Code	Description of the Industrial Activity
3694	Electrical Equipment for Internal Combustion Engines
3695	Magnetic And Optical Recording Media
3699	Electrical Machinery, Equipment, and Supplies, Not Elsewhere
3812	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical Systems and Instruments
3821	Laboratory Apparatus and Furniture
3822	Automatic Controls for Regulating Residential and Commercial Environments and Appliances
3823	Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products
3824	Totalizing Fluid Meters and Counting Devices
3825	Instruments for Measuring and Testing of Electricity and Electrical Signals
3826	Laboratory Analytical Instruments
3827	Optical Instruments and Lenses
3929	Measuring and Controlling Devices, Not Elsewhere Classified
3841	Surgical and Medical Instruments and Apparatus
3842	Orthopedic, Prosthetic, and Surgical Appliances and Supplies
3843	Dental Equipment and Supplies
3844	X-Ray Apparatus and Tubes and Related Irradiation Apparatus
3845	Electromedical and Electrotherapeutic Apparatus
3851	Ophthalmic Goods
3861	Photographic Equipment and Supplies
3873	Watches, Clocks, Clockwork Operated Devices, and Parts

SECTOR AD: MISCELLANEOUS INDUSTRIAL ACTIVITIES

Activity Codes and Description of Industry

Limited to facilities that are designated by the executive director as needing a permit to control pollution related to stormwater discharges and that do not meet the description of an industrial activity covered by Sectors A-AC

2. Miscellaneous Industrial Activities

Sector AD is used to provide permit coverage for facilities that are designated by the executive director as needing a permit to control pollution related to stormwater discharges and do not meet the description of an industrial activity covered by Sectors A through AC. A facility that is not otherwise listed in Part V of this general permit is not eligible to apply for coverage under Sector AD, unless directed to do so in writing by the executive director.

3. Co-located Industrial Activities

A facility operator is required to either obtain authorization under this general permit, under an individual TPDES stormwater permit, or under an alternative general permit if the facility meets one or more of the criteria listed in Part II, Section A.1.(a) above. If these facilities have additional activities that are described by a secondary SIC code that is listed in the table above, then these additional activities are described as co-located industrial activities. Stormwater discharges from co-located industrial activities may be authorized under this general permit provided that the operator complies with all of the sector specific requirements defined in Part V of this general permit for each of these co-located activities. The sector specific requirements apply only to the portion of the facility where that specific sector of activity occurs, except where runoff from different activities combines before leaving the property. In cases where these discharges combine, the monitoring requirements and effluent limitations from each sector that contributes runoff to the discharge must be met.

4. Co-located Industrial Facilities

A facility operator is required to either obtain authorization under this general permit, under an individual TPDES stormwater permit, or under an alternative general permit if the facility meets one or more of the criteria in Part II, Section A.1.(a) above. Multiple industrial facilities may be described as “co-located” if they share a common property boundary. If authorization under this general permit is sought, the operator of each of co-located facility must individually obtain authorization to discharge under this general permit.

Each co-located facility will be issued a distinct authorization number. Each co-located industrial facility operator may either develop a separate stormwater pollution prevention plan (SWP3 or plan), or may participate in a shared SWP3. Co-located industrial facilities that develop a shared SWP3 must develop the SWP3 to meet the requirements stated in Parts III and V of this general permit, in addition to the following:

- (a) **Participants.** The SWP3 must clearly list the name and authorization number (when known) for each facility that participates in the shared SWP3. Each participant in the shared plan must sign the SWP3 according to 30 TAC §305.128 (relating to Signatories to Reports.)
- (b) **Responsibilities.** The SWP3 must clearly indicate which permittee is responsible for performing each shared element of the SWP3. If the responsibility for performing an element is not described in the plan, then each permittee is entirely responsible for performing the element within the boundaries of its facility and in any common or shared area. The SWP3 must clearly describe responsibilities for meeting each element in shared or common areas.
- (c) **Site Map.** The site map must clearly delineate the boundaries around each co-located industrial facility and the boundaries around shared or common areas that are used by two or more facilities.

Co-located facilities may alternatively obtain a conditional exclusion based on no-exposure, in accordance with Part II, Section C. of this general permit, if applicable.

5. Requirements for Military Installations and Other Publicly-Owned Facilities

- (a) Stormwater discharges from military or other public installations or government institutions that conduct any industrial activities described by an SIC code or an industrial activity code that is listed in Part II, Section A.1. and Part V of this general

permit, or that otherwise meet the conditions described in Part II, Section A.1.(a) relating to the need for a permit, must either be authorized under this general permit, an individual TPDES stormwater permit, or an alternative general permit. For example, the SIC code of military installations is 9711 and the SIC code for universities is 8221, neither of which are listed in this general permit; however, the need for a permit will be based on individual activities that occur at the installation.

- (b) Other publicly operated facilities (i.e., stand-alone facilities) that conduct activities described under Part II, Section A.1. of this general permit must meet the conditions of the general permit for those regulated activities. For example, a city-operated landfill would be described by industrial activity code LF and would need a permit, and a county-operated bus maintenance facility would fall under SIC Code 4111 or 4173 and would also need a permit. However, the general vehicle maintenance shop for a city's motor pool would not typically be regulated unless the vehicles being maintained would classify the maintenance yard under an SIC code in the 4100 or 4200 series (for example if the city motor pool also maintains the city's public transportation busses and the yard performs at least 50% of its maintenance activities on the city's public transportation busses).

6. Non-Stormwater Discharges

Industrial facilities that qualify for coverage under this general permit may discharge the following non-stormwater discharges through outfalls identified in the SWP3, according to the requirements of this general permit:

- (a) discharges from emergency fire fighting activities and uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (b) potable water sources (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (c) lawn watering and similar irrigation drainage, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- (d) water from the routine external washing of buildings, conducted without the use of detergents or other chemicals;
- (e) water from the routine washing of pavement conducted without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);
- (f) uncontaminated air conditioner condensate, compressor condensate, and steam condensate, and condensate from the outside storage of refrigerated gases or liquids;
- (g) water from foundation or footing drains where flows are not contaminated with pollutants (e.g., process materials, solvents, and other pollutants);
- (h) uncontaminated water used for dust suppression;
- (i) springs and other uncontaminated groundwater;
- (j) incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but excluding intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains); and

- (k) other discharges described in Part V of this permit that are subject to effluent guidelines and effluent limitations.

Section B. Limitations on Permit Coverage

1. Suspension or Revocation of Permit Coverage

Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request, any information necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of the permit.

Failure to comply with any permit condition is a violation of the permit and the statutes under which it was issued, and is grounds for enforcement action, revoking coverage under this general permit, or requiring the permittee to apply for and obtain an individual TPDES permit or alternative general permit.

2. Discharges Authorized by Another TPDES Permit

Discharges authorized by an individual TPDES permit or another general TPDES permit may only be authorized under this TPDES general permit if all of the following conditions are met:

- (a) the discharges meet the applicability and eligibility requirements for coverage under this general permit;
- (b) the individual or alternative general permit does not contain numeric water quality-based effluent limitations for the discharge (unless industrial activities that resulted in the limitations have ceased and any contamination that resulted in these limitations has been removed or remediated);
- (c) specific BMP requirements of the current individual permit are continued as a provision of the SWP3;
- (d) the executive director has not determined that continued coverage under an individual permit is required based on consideration of a TMDL model, anti-backsliding policy, history of substantive non-compliance or other considerations and requirements of 30 TAC Chapter 205, or other site-specific considerations; and
- (e) a previous application or permit for the discharges 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 the operations of the facility are the responsibility of a new operator.

3. Stormwater Discharges from Construction Activity

Stormwater discharges associated with construction activities are not eligible for authorization under this general permit. Discharges of stormwater that are regulated under this permit and that combine with stormwater from construction activities are not eligible for coverage under this general permit unless the construction site runoff meets one of the following conditions:

- (a) authorization is under a separate TPDES permit;

- (b) authorization is under a separate NPDES permit; or
- (c) TPDES or NPDES permit coverage is not required.

4. Stormwater Discharges from Salt Storage Piles

Stormwater that contacts salt storage piles (e.g., salt for deicing or other commercial or industrial purposes) may not be discharged to surface water in the state under authority of this general permit. Stormwater that contacts salt storage piles must be discharged under the authority of an individual TPDES permit or alternative general permit, or must be captured within a containment structure. Stormwater that contacts salt storage piles and is captured must either be disposed of in a manner that does not allow a discharge into or adjacent to water in the state, or in a manner otherwise approved by the executive director.

The permittee(s) shall prevent exposure of salt storage piles, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. This material must be enclosed or covered. Appropriate BMPs (e.g., good housekeeping, diversions, containment) must be implemented to minimize exposure resulting from adding to or removing materials from the pile(s).

5. Discharges of Stormwater Mixed with Non-Stormwater

Stormwater discharges associated with industrial activity that combine with sources of non-stormwater are not eligible for coverage by this general permit, unless either the non-stormwater source is described in Part II, Section A.6. of this permit or the non-stormwater source is authorized under a separate TPDES permit.

6. Compliance with Water Quality Standards

Discharges that would cause or contribute to a violation of water quality standards, or that would fail to protect and maintain existing designated uses of receiving waters are not eligible for coverage under this general permit. The executive director may require an application for an individual permit or alternative general permit to authorize discharges of stormwater from any industrial facility that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use of receiving waters.

7. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements

Discharges of the pollutant(s) of concern to impaired water bodies where there is a TMDL are not eligible for coverage under this permit, unless they are consistent with the EPA-approved TMDL. Permittees must incorporate the limitations, conditions, and requirements applicable to their discharges, including monitoring frequency and reporting required by TCEQ rules, into their SWP3 in order to be eligible for MSGP permit coverage.

A discharge into an impaired water body is one where the discharge is directly to a water body that is either identified on the latest EPA-approved CWA Section 303(d) List, the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d), or is covered by an EPA-approved TMDL. For stormwater that first enters a storm sewer system prior to discharge, the determination is made by the identity of the first body of water the discharge enters upon exiting the storm sewer system.

- (a) The permittee shall determine whether the permitted authorized discharge is to an impaired water body on latest EPA-approved CWA Section 303(d) List, or waters with an EPA-approved or established total maximum daily load (TMDL) that are found on the latest EPA-approved Texas Integrated Report of Surface Water Quality for CWA

Sections 305(b) and 303(d) as not meeting applicable Texas Surface Water Quality Standards.

(b) New Discharges to Water Quality Impaired Water Bodies

For a new discharge to an impaired water body, the permittee shall either:

- (1) Prevent exposure to stormwater of the pollutant(s) for which the water body is impaired (i.e., the pollutant(s) of concern), and retain on-site documentation of the preventive measures within the SWP3;
- (2) Document that the pollutant(s) for which the water body is impaired is/are not present in the regulated industrial activity at the site, and retain documentation of this finding in the SWP3 (e.g., if the pollutant of concern is bacteria, but the only identifiable source of bacteria that is wildlife occurring on the property, then the bacteria levels could be considered “background” for the purposes of this permit requirement); or
- (3) Obtain analytical data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard. The data and technical evaluation must demonstrate that the discharge of the pollutant of concern for which the water is impaired is below the level of concern (e.g. benchmark value). If the pollutant of concern is present above the level of concern, the permittee must follow the requirements in Part II, Section B.7.(c)(3)e. below. Data and supporting technical information must be retained with the SWP3. The permittee shall use the following method to demonstrate this finding, unless an alternate method is authorized by the TCEQ in writing:

- a. The permittee shall collect one or more representative sample(s) of stormwater in accordance with Part III, Section D.2. of this general permit, and analyze the sample(s) for the pollutant of concern (e.g., hazardous metals, bacteria, nutrients, etc.).

For example, if the pollutant of concern is bacteria, the permittee shall sample for *E. coli* if discharging to fresh water, and enterococci if discharging to salt water. If the impairment is due to low dissolved oxygen (DO), the permittee shall monitor for BOD, COD, or both, based on the nature of the industrial activity, or in accordance with guidance provided by the TCEQ (e.g., information may be sent in writing directly to the permittee on request, or may be available on the TCEQ’s TPDES stormwater web pages). If the impairment is due to nutrients, the permittee shall sample for total phosphorous if the discharge is to fresh water and for total nitrogen if the discharge is to salt water.

If the impairment is due to a parameter for which there is not a clear analytical testing protocol (e.g., sediment, fish tissue, etc.), the permittee shall contact the TCEQ for guidance on which pollutant(s), if any, to monitor for, and the TCEQ will respond in writing to the permittee. This documentation must be retained in the SWP3.

- b. If the facility operator is not able to collect a sample because the facility is not yet in operation, then the operator may submit an application to obtain coverage prior to sampling. The permittee shall collect the representative sample(s) from the first available discharge after commencing operation.
- c. The permittee shall compare the analytical results with the benchmark monitoring levels found in the facility’s applicable sector located in Part IV of

this general permit. Where a benchmark result is not available, the permittee shall compare the results to the water quality criteria in 30 TAC Chapter 307, or to the minimum analytical level (MAL). The pollutant is not considered to be present within the discharge when not detected above the MAL. The pollutant is considered below the level of concern when sampling results are below benchmark levels, the applicable water quality criteria, or natural background levels.

- d. If the first year sampling results indicate that the discharge is below the level of concern or is not present in the discharge, then no additional sampling for the pollutant of concern is required.
 - e. If sampling results indicate that the pollutant of concern is present in the discharge at a level of concern, then the permittee shall perform the following activities:
 - (i) Monitor the discharge in accordance with Part III, Section B.4., "Water Quality Monitoring Requirements," and
 - (ii) Revise the SWP3 to address controls that the permittee will utilize to reduce the discharge of the pollutant of concern.
- (4) A new discharge is not eligible for coverage under this permit for discharges to waters designated by the Texas Surface Water Quality Standards as Tier 3.
- (c) Existing Discharges to Impaired Water Bodies with an approved TMDL.
- An existing discharge to an impaired water body with an approved TMDL may only be authorized under this general permit if the permittee complies with additional controls required by the TCEQ in the TMDL, the TMDL Implementation Plan, or as otherwise directed by the executive director in writing to the permittee.
- If the TMDL or TMDL Implementation Plan does not identify monitoring requirements for the permittee, then additional monitoring is not required under Part III.B.4(a) and the permittee may still obtain authorization under this general permit.
- (d) Existing Discharge to Water Quality Impaired Water Bodies without an approved TMDL. If the permittee discharges to an impaired water body without an approved TMDL, the permittee shall either:
- (1) Prevent exposure to stormwater of the pollutant(s) for which the water body is impaired (i.e., the pollutant(s) of concern), and retain on-site documentation of the preventive measures within the SWP3;
 - (2) Document that the pollutant(s) for which the water body is impaired is/are not present in the regulated industrial activity at the site, and retain documentation of this finding in the SWP3 (e.g., if the pollutant of concern is bacteria, but the only identifiable source of bacteria is wildlife occurring on the property, then the bacteria levels could be, for the purposes of this permit condition, considered "background" from a non-point source that is not regulated under this permit); or
 - (3) Obtain analytical data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, using the steps in Paragraph II.B.7.(c)(3) above.
 - a. If the results indicate that the discharge is below the level of concern or is not present in the discharge, then no additional action is required.

- b. If the results indicate that the pollutant of concern is present in the discharge at a level that may contribute to water quality impairment (e.g., a result that is above the benchmark level for a pollutant as described in the facility's applicable sector located in Part V of this general permit), then the permittee shall implement an interim pollutant reduction plan (PRP) for the pollutant of concern. This PRP must be included in the SWP3 and must discuss the management practices and control measures that the permittee will implement to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that contribute to the impairment of the water body. The PRP must specifically identify control measures and practices that will collectively be used to try to eliminate the discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these control measures and practices were chosen as opposed to other alternatives.
- (4) Beginning upon the date that the permittee is authorized for coverage under this permit, the permittee may not establish a new or increased discharge potentially containing a pollutant of concern to an impaired water body unless there is no exposure of the pollutant of concern to stormwater, the pollutant of concern is not present at the site nor in the discharge, or analytical data shows the pollutant of concern is not present at a level of concern as described in Part II, Sections B.7.(e)(1), (2), and (3) above. TCEQ may notify the permittee if additional control measures are necessary, or if an individual permit application is necessary.

8. Discharges to the Edwards Aquifer Recharge Zone

Discharges may not be authorized by this general permit where prohibited by 30 TAC Chapter 213 (relating to Edwards Aquifer).

- (a) For new discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, operators must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Protection Rule), in addition to the provisions and requirements of this general permit.
- (b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency approved Water Pollution Abatement Plan under the Edwards Aquifer Rules are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Protection Rule for reductions of suspended solids in stormwater runoff are in addition to the effluent limitation requirements and benchmark goals in this general permit for this pollutant. A copy of the TCEQ approved Water Pollution Abatement Plan(s) that are required by the Edwards Aquifer Rule must be attached or referenced as a part of the SWP3.
- (c) For discharges located within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional office.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney
Contact: TCEQ Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

Counties: **Williamson, Travis, and Hays**
Contact: TCEQ Water Program Manager
Austin Regional Office
12100 Park 35 Circle
Room 179, Building A
Austin, Texas 78753
(512) 339-2929

9. Discharges to Specific Watersheds and Water Quality Areas

Discharges of stormwater associated with industrial activity and other non-stormwater discharges may not be authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

10. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by this permit, unless the requirements of the federal Endangered Species Act are satisfied. Federal requirements related to endangered species apply to all TPDES permitted discharges and site-specific controls may be required to ensure that protection of endangered or threatened aquatic or aquatic dependent species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee may contact TCEQ for additional information.

11. Protection of Streams and Watersheds by Home-Rule Municipalities

This general permit does not limit the authority of a home-rule municipality provided by the Texas Local Government Code §401.002.

12. Facilities with No Discharge to Surface Water in the State

A facility that does not discharge stormwater to an MS4 nor to surface water in the state may not be required to obtain coverage under this general permit if the operator demonstrates that no discharges have occurred nor will occur in the future. The operator may be required to demonstrate, using engineering calculations or similar methods, that the facility will not discharge stormwater associated with industrial activity.

Facilities that dispose of all stormwater associated with industrial activity by any of the following practices would not be required to obtain coverage for the stormwater under this general permit nor under an individual TPDES permit or alternative general permit:

- (a) Recycling of the stormwater with no resulting discharge into surface water in the state.
- (b) Pumping and hauling of the stormwater to an authorized disposal facility.
- (c) Discharge of the stormwater to a publicly-owned treatment works (POTW); however, this permit does not grant authorization to discharge into a POTW and the permittee would need to obtain authorization from the POTW operator to discharge stormwater into the POTW.
- (d) Underground injection of the stormwater in accordance with 30 TAC Chapter 331.
- (e) Discharge to above ground storage tanks with no resulting discharge into surface water in the state.

- (f) Containment of all stormwater within property boundaries, with no discharge into surface water in the state, including no discharge during, or as the result of, any storm event.

13. Automatic Authorization for Certain Industrial Activities

Operators of the following industrial activities are designated for coverage under this general permit, and are not required to prepare a SWP3, conduct analytical sampling, or submit an NOI for coverage nor an NEC form for a conditional exclusion based on no exposure. However, the facility operator must comply with all other requirements of Part III, Section E. of this general permit, related to Standard Permit Conditions; and must comply with Part II, Section C.1. of the permit related to maintaining “no exposure” of industrial activity to stormwater.

- (a) Operators of facilities described in Part V, Section P, related to General Warehousing and Storage (SIC 4225), that do not have areas for vehicle maintenance or equipment cleaning activities, provided that the requirements of Part V, Section P.2.c. are met.
- (b) Operators of facilities described under Part V, Section X, that conduct publishing or design without printing, provided that the requirements of Part V, Section X.2. are met.
- (c) Operators of small businesses who conduct a regulated activity described in Part II, Section A, where the entire industrial activity is performed in a residential home, a shopping mall, or an office building, and all of the requirements listed below are met:
 - (1) The industrial activity does not include the following industrial activity codes: HZ, LF, SE, or TW;
 - (2) The industrial activity is conducted in an area inside the operator’s primary residence home structure itself or inside another fully enclosed building, located within the property boundaries of the operator’s primary residence (e.g., garage);
 - (3) The regulated industrial activity is not exposed to stormwater; and
 - (4) The facility operator complies with the requirements of Part III Section E. of this general permit, related to Standard Permit Conditions. However, the operator is not required to submit an NOI or an NEC form, conduct analytical monitoring for permit compliance, nor develop a SWP3.

The facility operator must apply for coverage if any of the requirements listed above are not met. If the TCEQ determines that additional controls are required other than those listed above, or if there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility otherwise eligible for automatic authorization to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

14. Transfer of Liability

This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).

15. Force Majeure

Nothing in Part II of the general permit is intended to negate any person’s ability to assert the *force majeure* (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC §70.7.

Section C. Obtaining Authorization to Discharge**1. Conditional No Exposure Exclusion from Permit Requirements**

Facilities regulated under this general permit may be excluded from permit requirements if there is no exposure of industrial materials or activities from precipitation or runoff. To qualify for a no exposure exclusion from permit requirements, the operator of the facility must provide certification that industrial activities and materials are isolated from stormwater by storm resistant shelters. The certification must be submitted to the TCEQ on a no exposure certification (NEC) form provided by the executive director, or using a format approved by the executive director. The facility is subject to inspection by authorized TCEQ personnel and MS4s with enforcement authority over MSGP regulated facilities within their jurisdiction to determine compliance with the no exposure exclusion. Facilities that qualify for this exclusion and that contribute stormwater discharges to a municipal separate storm sewer system (MS4) shall provide copies of the certification to the operator of the MS4.

- (a) The following materials and activities are not required to be isolated from stormwater and stormwater runoff in order to meet the no exposure exclusion:
 - (1) drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak ("Sealed" means banded or otherwise secured and with-out operational taps or valves);
 - (2) final products that are designed for outdoor use (e.g., new cars, outdoor play-sets, lawn equipment) provided the final products have not deteriorated or are otherwise a potential source of contaminants;
 - (3) pallets used to store or transport final products intended for outdoor use, if the pallets are new or do not contain pollutants;
 - (4) vehicles used in material handling that are adequately maintained to prevent leaking fluids;
 - (5) lidded dumpsters containing waste materials, providing the containers are completely covered, nothing can drain out, and no material can be lost while loading the contents onto a garbage truck (excludes trash compactors unless located indoors or protected by a storm-resistant shelter);
 - (6) industrial refuse and trash that is stored large roll-off containers that are either located under a constructed cover or covered with heavy-duty tarps that are properly maintained and in good condition. The tarps must be securely fastened to the waste container in such a manner that the tarp has to be unfastened to add waste materials to the container and then refastened to the container;
 - (7) particulate emissions from roof stacks or vents, provided they comply with other applicable TCEQ rules and do not contaminate stormwater; and
 - (8) above ground storage tanks (ASTs) that are equipped with valves for dispensing materials that support facility operations (e.g., heating oil, propane, butane, chemical feedstocks) or that dispense fuel (e.g. gasoline, diesel, compressed natural gas) for delivery vehicles that support facility operations provided that:
 - a. the ASTs must be physically separated from and not associated with vehicle maintenance operations areas;
 - b. there are no leaks from pipes, pumps, or other equipment that could come into contact with stormwater; and

- c. the ASTs are surrounded by secondary containment (e.g., impervious berm, dike, or concrete retaining structure) to prevent exposure to stormwater runoff in the event of structural failure or leaks.

ASTs that dispense fuel to vehicles that are used to support the regulated facility operations are not considered exposed. However, ASTs that distribute fuel to airplanes at a regulated air transportation facility are considered exposed unless located under storm resistant shelter.

- (b) The following types of final products do not qualify for a certification of no exposure:

- (1) Products that could be mobilized by wind or rain into stormwater discharges (e.g., rock salt, wood chips or shavings, compost). Materials sheltered from precipitation may still be deemed exposed if the materials could be carried by wind;
- (2) products that may, when exposed, oxidize, deteriorate, leak or otherwise be a potential source of contaminants (e.g., scrap cars, scrap metal); or
- (3) “final” products that are actually “intermediate” products used in the composition of yet another product (e.g., sheet metal, tubing and paint used in making tractors, unfinished portions of a final product, plastic pellets, glass to be installed in vehicles or buildings). Even if the intermediate product is “final” for a manufacturer and is intended to be included in a “final product intended for use outdoors,” these products are still considered intermediate products and are considered to be exposed if located outdoors.

Deposits of particles or residuals from roof stacks or vents not otherwise regulated that could be carried by stormwater runoff and are considered exposed. Exposure also occurs when, as a result of particulate emissions, pollutants are visibly being “tracked out” or carried on the tires of vehicles.

- (c) Limitations on eligibility for the no-exposure exclusion:

- (1) The exclusion from permit requirements is only available facility-wide, and is not available for individual outfalls. Generally, if any exposed industrial materials or activities are found on any portion of a facility, the facility is not eligible for the no-exposure exclusion.
- (2) If a facility with a conditional no-exposure exclusion undergoes any change(s) that result in industrial activities or materials becoming exposed, or if it is found that a facility does not (or no longer) meets the no exposure requirements, then the NEC exclusion that the facility is under ceases to apply. If this occurs, the operator of the facility covered (under an NEC) shall prepare a SWP3 and submit an NOI to apply for coverage under the MSGP or shall apply for an individual water quality permit (as applicable) to discharge stormwater from the facility before making any changes that will expose industrial activities or materials. Discharges that occur after losing the conditional no exposure exclusion are not authorized, unless permit coverage is re-established by filing an NOI for this permit or via an individual permit. The operator is required to submit a Notice of Termination (NOT) to terminate their NEC coverage.
- (3) If the TCEQ determines that a facility’s stormwater discharges have a reasonable potential to cause or contribute to a violation of applicable water quality standards, then the TCEQ may deny the no exposure exclusion. However, where an MS4 operator has MSGP enforcement authority, it may inspect facilities within its jurisdiction for compliance with the no exposure certification (NEC).

2. Application for Coverage

Applicants seeking authorization to discharge under this general permit shall submit a completed notice of intent (NOI) or a completed no exposure certification (NEC), as applicable, on a form approved by the executive director. Applications are not required for facilities that are automatically authorized by designation under this general permit.

(a) Notices of Intent (NOIs) and No Exposure Certifications (NECs).

- (1) Paper NOIs and NECs. Provisional authorization begins seven (7) days from the date that a completed NOI or NEC is postmarked for delivery to the TCEQ, unless otherwise notified in writing by the executive director.
- (2) Electronic NOIs and NECs. Effective September 1, 2017, applicants must submit an NOI or NEC using the online e-permitting system available through the TCEQ website or request and obtain an electronic reporting waiver. Electronic reporting waivers are not transferrable and expire on the same date as the authorization to discharge.
 - a. If electronic submission of NOIs or NECs is provided, and unless otherwise notified by the executive director, provisional authorization begins immediately following confirmation of receipt of the electronic NOI or NEC form by the TCEQ.
- (3) Following review of the NOI or NEC, the executive director will:
 - a. determine that the NOI or NEC is complete and confirm coverage by providing a written notification and an authorization number; or
 - b. determine that the NOI or NEC is incomplete and request additional information needed to complete the NOI or NEC; or
 - c. deny coverage in writing. Denial of coverage will be made in accordance with TCEQ rules at 30 TAC § 205.4, related to Authorizations and Notices of Intent.
- (b) Automatic Authorization. Facilities that meet the eligibility requirements for automatic authorization in Part II, Section B.13 are automatically authorized and are not required to submit an NOI for coverage or an NEC for conditional exclusion, provided that all of the technical requirements are met. Permit coverage for existing facilities automatically authorized under Part II, Section B.13 of this general permit begins immediately upon the effective date of this general permit; and permit coverage for new facilities begins upon the commencement of industrial activities regulated under this general permit.

3. Application Deadlines

(a) Existing Industrial Facilities.

- (1) Permittees who were authorized under the previous TPDES MSGP permit for discharges associated with industrial activity (TXR050000, issued August 14, 2011) shall continue to operate under the provisions of that permit until authorization is obtained under this general permit, and may continue to do so for up to 90 days after the effective date of this general permit.

On or before the ninetieth (90th) day following the effective date of this general permit, existing permittees shall submit an application (NOI or NEC) for coverage under this general permit, or shall comply with the automatic authorization option (in accordance with Part II, Section B.13. of this general permit). The executive director may grant a written request for extension for good cause if such written

request is received no later than 15 days before the application deadline (75 days following the permit effective date).

- (2) Facilities that were required to obtain permit coverage under the previous TPDES MSGP (issued August 14, 2011) are considered to be existing facilities, regardless of whether an NOI or NEC was previously submitted under that general permit. The deadline for existing facilities that did not obtain coverage under the previous TPDES MSGP permit is immediately upon the effective date of this general permit. However, this permit does not prohibit a facility from submitting an NOI or NEC after the effective date of the general permit.
- (3) Permit coverage for facilities that do not renew permit coverage will expire 90 days following the effective date of this general permit. However, facilities that do not submit a notice of termination on or before September 1, 2016, will be considered active facilities on that date and will be assessed an annual fee for Fiscal Year 2017, as described in Part II, Section C.10.(b) below.

(b) New Industrial Facilities.

An NOI or NEC must be submitted prior to commencement of industrial activity that is regulated under this general permit, or the facility operator must comply with the automatic authorization requirements listed in Part II, Section B.13. of this general permit.

(c) New Operator.

Permit coverage may not be transferred. When the operator of a facility changes, the new operator must submit an NOI or NEC, and the previous operator must submit an NOT, at least ten days before the change in operator occurs, or in accordance with 30 TAC §205.4(h), related to Authorizations and Notices of Intent. Also see Part II, Section C.7, related to Terminating Coverage.

When the operational control of a portion of a facility changes, the new operator shall submit an NOI or an NEC, and the existing operator shall revise its SWP3 and submit an NOC as needed.

4. Stormwater Pollution Prevention Plan (SWP3)

A permittee authorized under this general permit must develop and implement a stormwater pollution prevention plan (SWP3, or plan) according to the requirements of this permit before submitting an NOI for permit coverage. The plan must be developed according to the requirements of Part III of this general permit and must also include all sector specific requirements of Part V. The SWP3 must be signed and certified according to TCEQ rules at 30 TAC §305.128, as described in Part III, Section E.6.(c) of this general permit.

5. Contents of the Notice of Intent (NOI)

The NOI must contain the following information, at a minimum:

(a) Operator Information.

- (1) the name, address, and telephone number of the operator filing the NOI for permit coverage; and
- (2) the legal status of the operator (e.g., federal, state, private or public entity).

(b) Site Information.

- (1) the name, address, county, and latitude and longitude of the site;
 - (2) a determination of whether the site is located on Indian Land;
 - (3) the name of the receiving water(s);
 - (4) the name of the MS4 operator(s), if the discharge is to an MS4;
 - (5) a certification statement that a SWP3 has been developed and implemented according to the provisions of this permit;
 - (6) the primary SIC code that best describes the industrial activity of the facility and any other SIC codes or Industrial Activity Codes that describe additional activities and that are listed in Part V of this permit; and
 - (7) the industrial sector(s) of this general permit for which the applicant requests coverage.
- (c) Existing TPDES authorization number, for facilities previously regulated under the TPDES MSGP.

6. Changes to Information Submitted

- (a) If the operator becomes aware that any of the following occurred, then correct information must be provided to the executive director in a notice of change (NOC) within 14 days after discovery:
- (1) Relevant information provided on the NOI or NEC has changed;
 - (2) The operator failed to submit relevant facts; or
 - (3) The operator submitted incorrect information on an NOI or NEC.
- (b) The NOC must be submitted on a form provided by the executive director, or by letter if an NOC form is not available. A copy of the NOC must also be provided to the operator of any MS4 receiving the discharge (if required by the MS4), and the SWP3 must include a list of the names and addresses of the MS4 operator(s) receiving a copy.
- (c) Effective September 1, 2017, permittees must submit an NOC using the online e-permitting system available through the TCEQ website unless the permittee obtained an electronic reporting waiver.
- (d) Examples of information that may be submitted on an NOC include the following:
- (1) Change to applicant contact or billing information.
 - (2) Changes to the General Characteristics section, such as adding, removing, or changing an SIC code or industrial activity code, or changing the discharge information.
 - (3) Operator name change, provided that only the name has changed and that no transfer of ownership has occurred (see Part II, Section C.7.(a) below).
- (e) Information that may not be submitted on an NOC includes, but is not limited to, the following:
- (1) Transfer of operational control from one operator to another, including a transfer of the ownership of a company. A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing or charter number

that is on record with the Texas Secretary of State must be changed. See Part II, Section C.7.(a) below, related to Transfer of Operational Control.

- (2) Change in the physical location of the facility. Authorizations may not be transferred to a different location; therefore, if a facility moves, the operator will need to submit an NOI for the new location and an NOT for the previous location.
- (f) Additional changes that may be made to the operator's SWP3 and that are not required to be submitted on an NOC include, but may not be limited to, the following:
 - (1) Addition, removal, or change in the location of an outfall.
 - (2) Change to other information on the site map that was not originally provided on the NOI (e.g., location of processing areas, loading areas, or best management practices).

7. Terminating Coverage

- (a) Submitting Notice of Termination (NOT).
 - (1) A permittee must submit a NOT to the TCEQ to cancel coverage or to cancel a conditional exclusion based on no exposure. An NOT must be submitted in the following situations:
 - a. An existing facility covered under an NOI changes operations such that a condition of no exposure is obtained.
 - b. An existing facility with a conditional exclusion based on having no exposure of industrial activities changes operations such that a condition of no exposure no longer exists. The permittee must submit an NOI before a condition of exposure occurs, then must submit an NOT to terminate the existing exclusion.
 - c. A facility that was covered under an NOI or an NEC is no longer doing business in the original location, and no industrial activities (e.g., manufacturing, processing, material storage, waste material disposal areas and similar areas) remain or continue to be conducted at the site that would require permit coverage. An NOT must be submitted within 10 days after the facility ceases discharging stormwater associated with industrial activity.
 - d. An operator that submitted an NOI or NEC obtains coverage under an individual permit or obtains coverage under an alternative general permit for stormwater discharges. An NOT must be submitted within 10 days after the operator obtains coverage under the alternative permit.
 - e. A transfer of operational control occurs. The original operator who submitted the NOI or NEC must submit an NOT to cancel coverage or to cancel a conditional exclusion based on no exposure.

Coverage under this general permit is not transferable. A transfer of operational control includes changes to the structure of a company, such as changing from a partnership to a corporation, or changing to a different corporation type such that a different filing (or charter) number is established with the Texas Secretary of State. When the operator of a regulated industrial facility changes or operational control is transferred, the original operator must submit an NOT within 10 days prior to the date that responsibility for operations terminates, and the new operator must submit an NOI at least 10 days prior to the transfer of operational control.

- (2) Operators of regulated industrial activities who are designated as being automatically authorized by this general permit, and who are not required to submit an NOI or NEC, are not required to submit an NOT to terminate coverage.

(b) NOT Form.

- (1) The NOT must be submitted on a form approved by the executive director, and a copy of the NOT must be provided to the operator of any MS4 receiving the discharge (if required by the MS4).
- (2) Effective September 1, 2017, permittees must submit an NOT using the online e-permitting system available through the TCEQ website unless the permittee obtained an electronic reporting waiver.

(c) Effective Date of Termination of Coverage.

Authorization to discharge terminates on the day that an NOT is postmarked for delivery to the TCEQ. For electronic submission of NOTs, authorization to discharge terminates immediately following confirmation of receipt of the electronic NOT form by the TCEQ.

8. Signatory Requirements

NOI, NOT, NOC, and NEC forms must be signed according to 30 TAC §305.44 (relating to Signatories for Applications). Signatory authority may not be delegated to a person who does not meet the requirements listed in the referenced rule.

9. Additional Notification

Industrial facilities that contribute stormwater discharges to an MS4 must provide a copy of the completed NOI or NEC to the operator of the system. These facilities must also provide a copy of all NOCs and NOTs to the operator of the MS4.

10. Fees

(a) Application Fees:

An application fee of \$200.00 must be submitted with each paper NOI and each paper NEC. If the TCEQ provides for electronic submittal of NOIs and NECs, the application fee for submittal of an electronic NOI or NEC is \$100.00.

A fee is not required for submission of an NOT or NOC.

(b) Annual Fees:

A facility authorized under this general permit and required to submit an NOI must pay an annual water quality fee of \$200.00 under Texas Water Code, §26.0291, and according to 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

An annual fee is not required for a facility that obtained a no-exposure exclusion by submitting an NEC form, nor for a facility that is automatically authorized under the general permit without submitting an NOI or NEC form.

11. Permit Expiration

This general permit is issued for an effective term not to exceed five (5) years. Following public notice and comment, as provided by 30 TAC §205.3 (relating to Public Notice, Public Meetings, and Public Comment), the Commission may amend, revoke, cancel, or renew this general permit. If the TCEQ fails to publish public notice of its intent to renew or amend this general permit within 90 days of its expiration date, then dischargers under this general permit must submit an application for an individual permit prior to expiration of this general permit. If TCEQ publishes notice of its intent to renew or amend this general permit 90 days or more prior to expiration, existing authorizations under this general permit will remain in effect until the Commission takes final action on the permit. The renewed or amended general permit will prescribe how to obtain authorization for all dischargers regulated by the general permit, including a deadline for submitting an NOI, if required.

Section D. Alternative Coverage Under an Individual TPDES Permit

1. Individual Permit Alternative

Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). An operator of a facility described under Part II, Section A.1. of this general permit who chooses to be excluded from coverage under this general permit shall submit an application for coverage under an individual permit. Applications for individual permit coverage for new facilities should be submitted at least 330 days prior to the commencement of a regulated industrial activity to ensure timely permit coverage. Coverage under this general permit should not be terminated for existing facilities until the permittee receives an issued individual permit.

2. General Permit Alternative

Any discharge eligible for authorization under this general permit may alternatively be authorized under a separate general permit according to 30 TAC Chapter 205 (relating to General Permits for Waste Discharges), if applicable.

3. Individual Permit Required

The executive director may require an operator of a regulated industrial activity otherwise eligible for authorization under this general permit to apply for an individual TPDES permit in the following circumstances:

- (a) the conditions of an approved TMDL limitation or TMDL Implementation Plan on the receiving stream(s);
- (b) the discharge being determined to cause a violation of water quality standards or being found to cause, or contribute to, the loss of a designated use of surface water in the state; and
- (c) any other consideration defined in 30 TAC Chapter 205 including 30 TAC §205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director.

- (d) for a discharger classified as an “unsatisfactory performer” under 30 TAC Chapter 60. 30 TAC §60.3 requires the executive director to deny or suspend a person's authority relating to that site to discharge under this general permit. A discharger with an “unsatisfactory” compliance history classification is entitled to a hearing before the Commission prior to having its authorization denied or suspended in accordance with TWC § 26.040(h).

Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit must be done according to commission rules in 30 TAC, Chapter 205, General Permits for Waste Discharges.

Part III. PERMIT REQUIREMENTS AND CONDITIONS COMMON TO ALL COVERED INDUSTRIAL ACTIVITIES

Section A. General Stormwater Pollution Prevention Plan (SWP3) Requirements

1. Implementation of SWP3 and Consistency with Other Plans

- (a) An applicant seeking authorization under this general permit must develop and implement a SWP3 before submitting an NOI for coverage.

The SWP3 must be signed and certified in accordance with Part III, Section E.6.(c) of this general permit, and must be maintained onsite and made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

The SWP3 must be modified whenever necessary to address changing conditions at the site.

Permittees who discharge stormwater to a municipal separate storm sewer system (MS4) shall also provide a copy of the SWP3 to the operator of that MS4 upon receiving a request from the MS4 operator.

The SWP3 must be developed according to the requirements of this general permit. At a minimum, the SWP3 must:

- (1) identify actual and potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the facility (see Part III, Section A.3.);
 - (2) establish practices and any necessary control measures that will prevent or effectively reduce pollution in stormwater discharges from the facility and that ensure compliance with the terms and conditions of this general permit (see Part III, Section A.4.);
 - (3) describe how the selected practices and controls are appropriate for the facility and how each will effectively prevent or reduce pollution (see Part III, Section A.4.);
 - (4) describe how controls and practices interrelate to comprise an integrated, facility-wide approach for stormwater pollution prevention, including any useful references to literature or site-specific performance information on the selected controls and practices to demonstrate the appropriateness of each (see Part III, Section A.4.);
 - (5) establish a Stormwater Pollution Prevention Team (team) and identify team members who will be responsible for developing and revising the SWP3 (see Part III, Section A.2.);
 - (6) provide a description of the facility that includes information about activities, materials, and physical features of the facility that may contribute pollutants to stormwater and any pollutant discharges that could occur during dry weather (see Part III, Section A.3.); and
 - (7) document the monitoring and inspection procedures and schedules that will be implemented at the site (see Part III, Section B).
- (b) Existing plans and measures that are developed based on other regulatory requirements, such as Spill Prevention Control Countermeasures (SPCC) plans that are required for certain operations under the federal guidelines of 40 CFR Part 112, may

satisfy in whole or in part specific requirements of this general permit. These plans or measures may either be attached as a component of the SWP3, or referenced in the SWP3 and made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

2. Stormwater Pollution Prevention Team

The permittee shall establish a stormwater pollution prevention team (team). The SWP3 must be kept readily available to the members of the team.

- (a) **Members of the Team.** The SWP3 must identify the members of the team by name and by title, and must list and clearly identify the responsibilities of each team member. The team may consist of a single individual or a group of individuals as appropriate for the facility. Additional members of the team may include environmental professionals that are under contract to the permittee. If the facility is not staffed on a continuous or permanent basis, then company employee(s) from outside of the facility may be identified as a part of the team.

If it is not feasible to provide the name of each team member, then the SWP3 may identify a position or positions within the organization that comprise the team. Members of the organization or the ranking employees or executive officers at the facility must be able to identify the particular individual(s) comprising the team.

- (b) **Responsibility of the Team.** The team is responsible for development of the SWP3 and for assisting the operator or the operator's designee in the implementation, maintenance, and revision of the SWP3.

3. Description of Potential Pollutants and Sources

The SWP3 must identify and describe all activities and significant materials that may potentially be pollutant sources. The SWP3 must include, at a minimum:

- (a) **Inventory of Exposed Materials.** An inventory must be developed that lists materials currently handled at the facility that may be exposed to precipitation or runoff in a drainage area of an outfall covered under this permit. The list must include all materials that are handled, stored, processed, treated, or disposed of in a manner that would allow exposure to precipitation or runoff. Materials stored in drums, barrels, tanks, and similar containers that are tightly sealed, in good structural condition, and do not have leaking valves are not required to be listed in the inventory.

The inventory of materials must include specific pollutants that maybe attributed to those materials. For facilities subject to reporting requirement under EPCRA §313, the SWP3 must list all potential pollutant sources for which they have reporting requirements under EPCRA §313.

The inventory must be updated within 30 days following a significant change in the types of materials that are exposed to precipitation or runoff, or significant changes in material management practices that may affect the exposure of materials to precipitation or runoff. A significant change in the types of materials is exposure of a material, not already included in the inventory that could be transported by precipitation or stormwater runoff and subsequently discharged. A significant change in material management practices is a change that would result in either initial exposure of a material not already listed in the inventory or increased exposure of a material to the extent that the material could be transported by precipitation or stormwater runoff and subsequently discharged.

- (b) **Narrative Description.** The SWP3 must include a narrative description that describes all activities and potential sources of pollutants that may reasonably be expected to add pollutants to stormwater discharges, or that may result in dry weather discharges from the storm sewer system. This description must include locations and sources of runoff to the site from adjacent property, and an indication if significant quantities of pollutants are present in the runoff.

Examples include the following activities and potential sources when they are exposed to stormwater:

- (1) loading, unloading, and material transfer areas;
- (2) outdoor storage areas;
- (3) outdoor processing areas;
- (4) dust producing activities;
- (5) on-site waste disposal areas;
- (6) vehicle/equipment maintenance, cleaning, and fueling areas;
- (7) liquid storage tank areas;
- (8) railroad sidings, tracks, and rail cars;
- (9) storage piles containing salt used for deicing or other commercial or industrial purposes;
- (10) locations where potential spills and leaks could occur that could contribute pollutants to stormwater discharges; and
- (11) locations where all significant spills and leaks (for example, reportable quantity spills and spills or leaks that have the potential to cause impacts on water quality) of oil or toxic or hazardous pollutants occurred at exposed areas that drained to a stormwater conveyance in the three (3) years prior to the date the SWP3 was prepared or amended.

For each pollutant or material listed in the Inventory of Exposed Materials, the direction of flow or potential flow to the final permitted outfalls must be identified in the SWP3. The outfall and direction of flow must either be narratively described or identified by referencing the location on the site map. Areas of the facility that have a high potential for significant soil erosion, due to topography, activities, or other factors, must also be identified and either narratively described or identified by referencing the location on the site map.

The narrative description must be updated within 30 days following a change in the types or quantities of materials exposed to precipitation or runoff that, in the judgment of the stormwater pollution prevention team, may reasonably be expected to add pollutants to stormwater discharges. The narrative description must be updated to describe changes in material management practices or other factors that may affect the exposure of materials to precipitation or runoff.

- (c) **General Location Map.** The SWP3 must contain a general location map (e.g., USGS quadrangle map) with enough detail to identify the location of the facility, including all surface waters that could potentially receive the stormwater discharges from the site.
- (d) **Drainage Area Site Map.** A site map(s) must be developed that depict(s) the following:

- (1) the location of each outfall covered by the permit and the location of each sampling point (if different from the outfall location);
- (2) an outline of the facility's drainage area that shows the direction of the stormwater flow, and the location of all stormwater conveyances (e.g., ditches, gutters, pipes, swales) that drain to each permitted outfall;
- (3) connections or discharges to MS4(s);
- (4) locations of all structures (e.g. buildings, garages, storage tanks, fueling stations, machinery) and impervious surfaces (e.g., parking lots, paved or concrete pads);
- (5) structural control devices designed to reduce pollution in stormwater runoff;
- (6) process wastewater treatment units (including ponds);
- (7) bag house and other air treatment units exposed to stormwater;
- (8) the surface area of the facility (i.e., size in acres or square feet), or a clear scale such that the approximate surface area may be calculated;
- (9) locations of all receiving waters, including wetlands, and information as to whether they are impaired or have established TMDLs;
- (10) vehicle and equipment maintenance areas;
- (11) physical features of the site that may influence stormwater runoff or contribute a dry weather flow;
- (12) locations and descriptions of all non-stormwater discharges;
- (13) locations where reportable quantity spills or leaks have occurred during the three (3) years before the NOI is submitted to obtain coverage under this general permit;
- (14) locations and sources of runoff to the site from adjacent property that contains significant quantities of pollutants;
- (15) processing, storage, and material loading/unloading areas; and
- (16) any additional locations where significant materials are exposed to precipitation or runoff.

The site map must clearly show the flow of stormwater runoff from each of these locations so that the final outfall(s) where the discharge leaves the facility's boundary is apparent. A series of maps must be developed if the amount of information would cause a single map to be difficult to read and interpret.

- (e) **Spills and Leaks.** The SWP3 must contain a list of reportable quantity spills that occurred in areas exposed to stormwater, or that occurred within the drainage area that contributes to an outfall, during the three (3) years before the NOI was submitted. The list must be updated on a quarterly basis and must include all additional spills and leaks (in addition to the previously listed spills of "reportable quantity" only). The updated list may be limited to spills and leaks that have occurred within the previous five (5) years.
- (f) **Sampling Data.** All data from the laboratory analyses of stormwater discharge samples must be summarized. The summary must be updated on an annual basis to include the results of all additional analyses. The data summary must either be included as an attachment to the SWP3 or may be referenced and maintained separately. The data summary must be readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

4. Pollution Prevention Measures and Controls

The permittee shall implement all pollution prevention practices that are determined to be necessary, reasonable, and effective by the stormwater pollution prevention team, or that are required by a state or local authority, that are necessary to protect the water quality in receiving waters, or that are necessary to remain compliant with this general permit. The SWP3 must include detailed descriptions of the following minimum components and a schedule for implementation:

- (a) **Best Management Practices (BMPs).** A section within the SWP3 must be developed to establish BMPs to reduce the discharge and potential discharge of pollutants in stormwater and to minimize exposure of areas of the site with industrial activity to stormwater. The location and type of BMPs or control measures that have been adopted or installed must be documented in the SWP3. Development of BMPs must be based on the activities and potentials for contamination that are identified in Part III, Section A.4. of this permit.

Examples of BMPs that the permittee may use to comply with this section include the following:

- (1) use grading, berming, or curbing when possible to prevent runoff of contaminated flows and to divert runoff away from these areas;
 - (2) locate materials, equipment, and activities in such a way that leaks are contained in existing containment and diversion systems;
 - (3) clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
 - (4) use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
 - (5) use spill/overflow protection equipment;
 - (6) drain fluids from equipment and vehicles prior to on-site storage or disposal;
 - (7) perform cleaning operations indoors, within storm resistant shelters, or within bermed areas that prevent runoff and runoff and that also that capture overspray;
 - (8) ensure that waste, garbage, and floatable debris are not discharged to receiving waters, by keeping exposed areas free of such materials or by intercepting them before they are discharged;
 - (9) minimize generation of dust and off-site tracking of raw materials, intermediate products, final products, or waste materials; and
 - (10) divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, in order to minimize pollutants in discharges.
- (b) **Good Housekeeping Measures.** A section within the SWP3 must be developed to ensure that areas of the facility that contribute or potentially contribute pollutants to stormwater discharges (e.g., areas around trash dumpsters, storage areas, loading docks, and outdoor processing areas) are maintained in a clean and orderly manner. Good housekeeping measures must include measures to eliminate or reduce exposure of garbage and refuse materials to precipitation or runoff prior to their disposal. Typical good housekeeping measures include activities that are performed on a daily basis by employees during the course of normal work activities. The good housekeeping measures must be incorporated as a part of the employee training program.

- (c) **Erosion and Sedimentation Control Measures.** A section within the SWP3 must be developed to address soil erosion and sedimentation. The permittee shall evaluate and use appropriate measures and controls to reduce soil erosion and sedimentation in areas of the facility with demonstrated or potential soil erosion and sedimentation.

Potential use of the following controls must be evaluated, at a minimum: soil stabilization through vegetative cover; contouring slopes; paving; and installation of structural controls.

(d) **Structural Controls**

- (1) Physical structures may be used in conjunction with other pollution prevention measures and controls, as necessary, to reduce pollutants in stormwater discharges. Examples of structural controls that may be used include vegetated swales, oil/water separators, settling ponds, catch basins, berms, and other physical structures.
- (2) **Velocity Dissipation Devices.** Discharge velocities must be controlled to the extent necessary to prevent the destruction of the natural physical characteristics of receiving waters by erosion. Velocity dissipation devices may be constructed at discharge points or along channels and other stormwater collection areas that lead to outfalls. Management alternatives to minimize runoff, such as limiting impervious cover, may also be considered.
- (3) A section within the SWP3 must be developed to establish a maintenance program for stormwater structural controls. These controls must be inspected on a regular basis and maintenance frequencies must be established for each of the controls at intervals that ensure effective operation. Mechanical equipment that is part of a structural control, such as a stormwater pump, must also be inspected at intervals described in the SWP3 and maintained at intervals necessary to prevent failures that could result in a discharge of pollutants.

This section of the SWP3 must identify qualified personnel to conduct inspections and establish inspection and maintenance schedules. Records must document the estimated volumes of solids removed from catch basins, sediment ponds, and other similar control structures.

- (e) **Spill Prevention and Response Measures.** A section within the SWP3 must be developed and implemented to prevent spills and to provide for adequate spill response. This section must:
- (1) identify areas where spills could contribute pollutants to stormwater discharges;
 - (2) develop and implement procedures to minimize or prevent contamination of stormwater from spills;
 - (3) require drums, tanks, and other containers to be clearly labeled;
 - (4) clearly mark hazardous waste containers that require special handling, storage, use, and disposal;
 - (5) develop and implement specific spill prevention, detection, and clean up procedures and techniques;
 - (6) develop procedures to notify appropriate facility personnel, emergency response agencies, public health, or drinking water supply agencies and other regulatory agencies of a reportable quantity spill or other release of oil or a hazardous substance;

- (7) make available to facility personnel materials and equipment necessary for spill clean-up;
 - (8) develop and maintain an inventory of spill cleanup materials and equipment; and
 - (9) incorporate these measures as a part of the employee training program.
- (f) Employee Training Program and Employee Education.
- (1) Training. A section within the SWP3 must be developed to establish a training program. Training must be provided to all employees who are responsible for implementing or maintaining activities identified in the SWP3. Employee training must include the following, at a minimum:
 - a. proper material management and handling practices for specific chemicals, fluids, and other materials used or commonly encountered at the facility;
 - b. spill prevention methods;
 - c. the location of materials and equipment necessary for spill clean-up;
 - d. spill clean-up techniques;
 - e. proper spill reporting procedures; and
 - f. familiarization with good housekeeping measures, BMPs, and goals of the SWP3.

The schedule for employee training sessions must be developed based on pollutant potential, employee turnover rate, and other factors the permittee determines are applicable. Training must be conducted at least once per year and records of training activities and attendance lists must be maintained in the SWP3.

- (2) Education. Education must be provided to those employees at the facility who are not directly responsible for implementing or maintaining activities identified in the SWP3, and who do not participate in the employee training program. At a minimum, these employees must be informed of the basic goal of the SWP3 and how to contact the stormwater pollution prevention team regarding stormwater issues.

5. Additional Documentation Requirements

- (a) The following records must be kept with the SWP3, in addition to any records required elsewhere in this permit:
 - (1) A copy of the NOI submitted to TCEQ along with any correspondence exchanged between the permittee and TCEQ related to coverage under this permit;
 - (2) A copy of the acknowledgment letter from the TCEQ;
 - (3) If signatory authority is delegated by an authorized representative, then a copy of the formal notification to TCEQ (letter, email, Delegation of Signatories form) shall be filed in the SWP3 and made available for review upon request by TCEQ or local MS4 Operator.
 - (4) A copy of this permit (either paper or electronic version), either as part of the SWP3 or as an attachment to the SWP3 (sections in Part V of this general permit that are not related to the industrial activities at the site need not be included);
 - (5) Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in the discharge of pollutants to surface waters;

- a. the circumstances leading to the release and actions taken in response to the release; and
 - b. measures taken to prevent the recurrence of such releases;
- (6) Records of employee training, including date(s) training received;
 - (7) Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules;
 - (8) Copies of inspection reports;
 - (9) Description of any corrective action taken at the site, including triggering event and dates when problems were discovered and modifications occurred;
 - (10) Documentation to support a claim that the facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections, quarterly visual assessments, or benchmark monitoring; and
 - (11) Results of monitoring and inspection activities as described in Part III, Section B.
- (b) Records - Records for each element described above in Part III, Section A.4., related to Pollution Prevention Measures and Controls, must either be included as an attachment to the SWP3 and retained on-site or made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. Records must document and describe maintenance activities, inspections, spills, discharge quality, employee training activities, employee education activities, SWP3 updates or modifications, and other events relative to each element.

6. SWP3 Review

The SWP3 must be maintained either at the site or be readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. The SWP3 must be modified by the permittee as often as necessary. Each revision must be dated and all revisions must be retained according to Part III, Section D.5. The executive director may determine, following a review or site inspection, that the SWP3 is not sufficient and may require that the SWP3 be revised to correct all deficiencies;

Section B. Periodic Inspections and Monitoring

1. Inspection and Certification of Non-Stormwater Discharges

- (a) Permit Coverage for Non-Stormwater Discharges. Non-stormwater discharges eligible for coverage are described in Part II, Section A.6. of this general permit and in the individual sections within Part V of this general permit. The permittee shall identify and evaluate all non-stormwater discharges that qualify for permit coverage. The SWP3 must include a list of the non-stormwater discharges at the facility, as well as the results of this evaluation.
- (b) Investigation for Non-Stormwater Discharges. Within 180 days of filing an NOI for coverage (or a renewal NOI) the permittee shall conduct a survey of potential non-stormwater sources and shall provide the certification required in Part III, Section B.1.(c) below. The facility's storm sewer system must be tested or inspected (e.g.,

screened for dry weather flows) for the presence of non-stormwater flows. Procedures must be evaluated and implemented to eliminate any potential sources that are discovered and are not permitted. The SWP3 must ensure that non-stormwater sources are not combined with stormwater discharges authorized by this permit unless otherwise allowable under Part II.B.5. of this general permit.

The SWP3 must be updated based on this evaluation to include the following:

- (1) the date that the evaluation occurred and description of the criteria used for evaluation;
 - (2) the outfalls or onsite discharge points observed;
 - (3) the different types of identified non-stormwater discharges and their source locations; and
 - (4) appropriate BMPs for the non-stormwater discharges, or the actions taken or the control measures used to eliminate them.
- (c) **Inspection, Documentation, and Certification of Non-Stormwater Discharges.** The SWP3 must include a certification, signed according to Part III, Section E.6.(c) of this general permit, relating to Signatory Requirements for Reports and Certifications, that states that the facility's storm sewer system has been evaluated for the presence of non-stormwater discharges and that the discharge of non-permitted, non-stormwater does not occur. The certification must include documentation of how the evaluation was conducted, results of any testing, dates of evaluations or tests, and the portions of the storm sewer system that were observed during the inspection. The inspection for non-stormwater discharges must be completed and the certification must be prepared within 180 days after filing an NOI for permit coverage. The certification must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.
- (d) **Failure or Inability to Certify.**
- (1) If a part of the storm sewer system cannot be accessed to complete the evaluation, certification must be provided for the remainder of the system. Notice of this inability to certify a portion of the storm sewer system must be provided to the TCEQ within 180 days after the NOI is submitted. Operators of facilities that contribute stormwater discharges to an MS4 shall provide notice of this inability to certify a portion of the storm sewer system to the MS4 operator upon request from the MS4 operator. The notice must include an explanation of why the evaluation could not be performed and a list of all known potential, non-permitted, non-stormwater sources that could not be included in the certification. The notification must be submitted to the TCEQ's Enforcement Division (MC-224).
 - (2) If, in the course of evaluating the storm sewer system, the permittee is unable to certify that non-permitted, non-stormwater discharges are not occurring due to non-compliance, then the certification must identify the non-compliance issues and the steps being taken to remedy and prevent further non-compliance.

2. Routine Facility Inspections

Qualified personnel, who are familiar with the industrial activities performed at the facility, shall conduct periodic routine facility inspections to determine the effectiveness of the Pollution Prevention Measures and Controls (Part III, Section A.4.). These inspections must include at least one member of the stormwater pollution prevention team.

- (a) Inspections must be conducted at least once per quarter unless otherwise specified in Part V of this permit. If feasible, at least one of these routine facility inspections each calendar year must be conducted during a period when a stormwater discharge is occurring.
- (b) The permittee shall document the findings of each routine facility inspection performed and shall maintain this documentation onsite with the SWP3.
- (c) The inspections must be documented through the use of a checklist that is developed to include each of the controls and measures that are evaluated. At a minimum, the documentation of each routine facility inspection must include:
 - (1) the inspection date and time;
 - (2) the name(s) of the inspector(s);
 - (3) weather information and a description of any discharges occurring at the time of the inspection;
 - (4) any previously unidentified discharges of pollutants from the site;
 - (5) any control measures (structural or non-structural) needing maintenance or repairs;
 - (6) any failed control measures (structural or non-structural) that need replacement;
 - (7) any incidents of non-compliance that are observed. An incident of non-compliance is any instance where an element of the SWP3 is either not implemented, or where specific conditions of the permit are not met;
 - (8) any additional control measures needed to comply with the permit requirements; and
 - (9) identification of any existing BMPs that are not being properly or completely implemented.

This documentation must be signed in accordance with Part III, Section E.6.(c) of this permit.

When revisions or additions to the SWP3 are recommended as a result of inspections, a summary description of these proposed changes must be attached to the inspection checklist. The summary must identify any necessary time frames required to implement the proposed changes. The routine facility inspection checklists must be made readily available for inspection and review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

3. Quarterly Visual Monitoring

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

- (a) Findings must document observations of the following:
 - (1) color;
 - (2) clarity;
 - (3) floating solids;

- (4) settled solids;
- (5) suspended solids;
- (6) foam;
- (7) oil sheen;
- (8) other obvious indicators of stormwater pollution; and
- (9) noticeable odors.

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

- (b) All examinations must be performed in a manner that ensures the sample is representative of the discharge (see Part III, Section D). If this is not possible, then the report must include the reason.
- (c) Records of quarterly visual monitoring must include the following information, and the report must be included in the SWP3:
 - (1) sample location(s);
 - (2) date and time samples were collected and examined;
 - (3) names of personnel who collected and examined the samples;
 - (4) nature of the discharge (e.g., runoff, snowmelt);
 - (5) results of the observations;
 - (6) probable sources of any observed contamination;
 - (7) visual quality of the stormwater discharge; and
 - (8) the reason why any samples were not collected within the first 30 minutes of discharge.
- (d) Results of the examination must be reviewed by the stormwater pollution prevention team. The team must investigate and identify probable sources of any observed stormwater contamination. The SWP3 must be modified as necessary to address the conclusions of the team.
- (e) Part V of this general permit may include alternative schedules for visual monitoring at specific industrial sectors, and may include additional requirements.

4. Water Quality Monitoring Requirements

- (a) The permittee shall monitor the discharge from the facility at all outfall(s) determined to be discharging a pollutant of concern at a level of concern under Part II, Section B.7, Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements.
- (b) The permittee may not establish substantially similar outfalls for sampling required under this section.
- (c) The permittee shall monitor the discharge(s) from regulated industrial activities for the pollutant of concern at a frequency of once per year. For the following pollutants of concern, monitoring must be conducted for the following alternative pollutants, unless an alternate is approved in writing by TCEQ's Wastewater Permitting Section (MC-148), or the TCEQ develops separate written guidance:

Pollutant(s) of Concern:

Bacteria: E.coli (for discharge to fresh water); or enterococci (for discharges to marine waters).

Dissolved Oxygen: BOD5, COD, or both (based on the nature of the industrial activity, and whether there is an existing benchmark sampling requirement for the facility's industrial sector).

Nutrients: Phosphorous (for discharges to fresh water); or Nitrogen (for discharges to marine waters), unless otherwise established in an applicable TMDL or TMDL Implementation Plan.

Hazardous Metals: Specific metal(s) listed in 303d list or the TMDL.

Other: If the impairment is due to a parameter for which there is not an obvious analytical test or benchmark value (e.g., sediment, fish tissue, etc.), the permittee shall contact the TCEQ for guidance on which pollutant(s) to monitor for, if any, and the TCEQ will respond in writing. The permittee shall retain this information with the SWP3.

The permittee may utilize the analytical results of sampling for other sections of this general permit to comply with this annual sampling requirements (e.g., hazardous metals sampling in Part III, Section C, or benchmark monitoring in Parts IV and V of this general permit).

- (d) Sampling, monitoring, and analyses must be conducted according to procedures specified in Part III, Section E.4 of this permit unless otherwise specified and using test procedures with minimum analytical levels (MALs) at or below benchmark values for all the benchmark parameters for which sampling is required.
- (e) Reporting: The permittee shall report the result of sampling for this section to the TCEQ by March 31 following the calendar year in which the samples were collected. Results must be submitted to the TCEQ's Stormwater & Pretreatment Team (MC-148).
- (f) If sampling results indicate that the pollutant is present below the level of concern (e.g., the analytical result is below the benchmark values in Part V of this permit) or is not present (e.g., analytical result is below the MAL), then the permittee may discontinue sampling under this section for the remainder of the permit term.

5. Annual Comprehensive Site Compliance Inspection

The comprehensive site compliance inspection is a required site evaluation and an overall assessment of the effectiveness of the current SWP3. This inspection is in addition to other routine inspections required by the permit; however, it may substitute for a routine facility inspection if it is conducted during the regularly scheduled period of the routine facility inspection and the scope of the inspection is sufficient enough to address both the minimum requirements of the routine inspection and the comprehensive site compliance inspection.

- (a) General Requirements. The comprehensive site compliance inspection must be conducted at least once each permit year by one or more qualified employees or designated representatives, including at least one member of the stormwater pollution prevention team. The inspection must include an examination and assessment of:
 - (1) all areas identified in the Inventory of Exposed Materials section of the SWP3;
 - (2) all structural controls, including the maintenance and effectiveness;
 - (3) all non-structural controls (e.g., good housekeeping measures, scheduling, etc.);

- (4) all areas where spills and leaks have occurred in the past three (3) years;
 - (5) all reasonably accessible areas immediately downstream of each outfall that is authorized under this general permit;
 - (6) industrial materials, residue, or trash that may have or could come into contact with stormwater;
 - (7) leaks or spills from industrial equipment, drums, tanks, and other containers;
 - (8) offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
 - (9) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;
 - (10) a review of the results of the past year's visual and analytical monitoring when planning and conducting inspections that are required by this general permit; and
 - (11) any control measures needing replacement, maintenance, or repair.
- (b) Annual Comprehensive Site Compliance Inspection Report. Within 30 days of performing the annual site compliance inspection, the permittee shall prepare a report that includes a narrative discussion of compliance with the current SWP3. The report must be signed and certified in accordance with Part III, Section E.6.(c) of this permit, and must either be included as a part of the SWP3 or referenced in the SWP3 and be made readily available for inspection and review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. The report must document all of the following information:
- (1) name(s) and title(s) of the personnel conducting the inspection;
 - (2) the date(s) of the inspection;
 - (3) findings from the inspection of areas of the facility;
 - (4) observations relating to the implementation of control measures:
 - a. previously unidentified discharges from the site;
 - b. previously unidentified pollutants in existing discharges;
 - c. evidence of, or the potential for, pollutants entering the drainage system;
 - d. evidence of pollutants discharging to receiving waters, and the condition of and around each outfall; and
 - e. additional control measures needed to address any conditions requiring corrective action identified during the inspection.
 - (5) revisions to the SWP3 made as a result of the inspection; and
 - (6) any incidents of non-compliance:
 - a. An incident of non-compliance is any instance where an element of the SWP3 is either not implemented, or where specific conditions of the permit are not met.
 - b. If no incidents of non-compliance are discovered, the report must contain a certification by the permittee that the facility, or in the case of a shared SWP3, the portion of the facility the permittee is responsible for, is in compliance with the SWP3.

- c. If an incident or incidents of non-compliance is identified, then the report must include all necessary actions to remedy the non-compliance. The identified actions must be completed as soon as practicable, but no later than 12 weeks following the completion of the report.
- (c) Revision of the SWP3. Within 12 weeks following the completion of the Annual Site Compliance Inspection Report, the permittee shall revise and implement the SWP3 to include and address the findings of the report. Revisions must include all changes resulting from the report and all applicable updates to the following:
 - (1) elements of the SWP3 requiring modification;
 - (2) controls (e.g. structural controls or BMPs) that should be added or modified;
 - (3) site map;
 - (4) inventory of exposed materials;
 - (5) description of the good housekeeping measures;
 - (6) description of structural and non-structural controls; and
 - (7) any other element of the plan that was either found to be inaccurate or will be modified.

6. Results of Inspections and Monitoring

If the findings of the inspections and monitoring activities in this section demonstrate compliance with the general permit, then the results of the monitoring are not required to be submitted to the TCEQ, unless specifically requested to do so. If the findings of the inspections and monitoring activities described in this section demonstrate non-compliance, the permittee shall submit the results to the TCEQ in accordance with Part III, Section E.6.

7. Exceptions to Periodic Inspections and Monitoring

Refer to Part III, Section D.4. for exceptions related to adverse weather conditions and inactive and unstaffed sites.

Section C. Numeric Effluent Limitations

1. Discharges of Stormwater Runoff

- (a) Numeric Limitations for Hazardous Metals.

Table 1. Daily Maximum Effluent Limitation

Parameter (Total)	Discharges to Inland Waters (mg/L)	Discharges to Tidal Waters (mg/L)	Monitoring Frequency
Arsenic	0.3	0.3	1/Year
Barium	4.0	4.0	1/Year
Cadmium	0.2	0.3	1/Year
Chromium	5.0	5.0	1/Year

Parameter (Total)	Discharges to Inland Waters (mg/L)	Discharges to Tidal Waters (mg/L)	Monitoring Frequency
Copper	2.0	2.0	1/Year
Lead	1.5	1.5	1/Year
Manganese	3.0	3.0	1/Year
Mercury	0.01	0.01	1/Year
Nickel	3.0	3.0	1/Year
Selenium	0.2	0.3	1/Year
Silver	0.2	0.2	1/Year
Zinc	6.0	6.0	1/Year

(b) **Daily Maximum Effluent Limitation.** A grab sample must be collected at a minimum frequency of once per year at the final outfall or a designated sampling location (also see Part III, Section D.2.). For the purpose of collecting samples for hazardous metals, all designated sampling points must be representative of the discharge(s) from the facility that would reach surface water in the state.

- (1) Samples of discharges collected at the final outfall must be collected either immediately prior to entering surface water in the state or immediately prior to leaving the permitted facility property.
- (2) Samples of discharges collected at a designated sampling point must be collected in accordance with the requirements in Part III, Section E.4. of this permit.

A designated sampling point must be established when it can be determined that samples taken at a final outfall, as described in Part III, Section C.1.(b)(1) above, would not be considered representative of the discharge from the facility.

- (3) If there is not an obvious outfall location, a designated sampling point may need to be created in accordance with the requirement in Part III, Section E.4.(a) of this permit.

(c) **Reporting Requirements.**

- (1) Results of monitoring for determining compliance with numeric effluent limitations must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.
- (2) Effective December 21, 2016, analytical results for determining compliance with effluent limitations shall be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to the TCEQ Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1).
- (3) Monitoring must be conducted prior to December 31st for each annual monitoring period and the results must be reported as required in Part III, Section E.6. of this permit. A copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as

any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

- (4) If the results indicate the violation of one or more of the numeric limitations listed above in Part III, Section C.1.(a), the permittee shall also submit the DMR to the TCEQ's Information Resources Division, Central File Room (MC-213) by March 31st following the annual monitoring period in which the violation(s) occurred.
- (d) **Waiver from Numeric Effluent Limitation.** Permittees qualify for a waiver from monitoring requirements for one or more hazardous metal if one of the following criteria is met, and the waiver is obtained by certifying the conditions exist. This certification must be completed on a form provided by the executive director. A new form must be completed during each permit term, no later than prior to the first sampling event that the permittee is seeking to waive. The form must be either maintained onsite or made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. Waivers may be obtained on a metal by metal basis, or on an outfall by outfall basis:
- (1) the permittee certifies that the regulated facility does not use a raw material, produce an intermediate product, or produce a final product that contains one (1) or more of the hazardous metals listed at Part III, Section C.1.(a) of this permit; or
 - (2) the permittee certifies that any raw materials, intermediate products, or final products that contain one or more hazardous metal are never exposed to stormwater or runoff (final products are not considered to expose hazardous metals to stormwater or runoff if the final product is designed for outdoor use, unless it is a product that could be transported by stormwater runoff or the final product will be used as a material or intermediate product); or
 - (3) the permittee collects a sample from the first available discharge from the facility occurring during first sampling period of this permit, analyzes the sample for one or more of the listed hazardous metals, and the results indicate that the metal(s) is/are not present in detectable levels. Test methods used must be sensitive enough to detect the following parameters at the minimum analytical level (MAL) specified below, and results of sampling must be retained on site and available for review by TCEQ personnel:

Table 2. Minimum Analytical Levels (MAL) for Hazardous Metals

Pollutants	MAL (mg/L)
Arsenic, total	0.0005
Barium, total	0.003
Cadmium, total	0.001
Chromium, total	0.003
Copper, total	0.002
Lead, total	0.0005
Manganese, total	0.0005
Mercury, total	0.000005
Nickel, total	0.002

Pollutants	MAL (mg/L)
Selenium, total	0.005
Silver, total	0.0005
Zinc, total	0.005

When an analysis of a discharge sample for any of the parameters listed above indicates no detectable levels above the MAL, and the test method detection level is as sensitive as the specified MAL, a value of zero (0) may be used for that measurement, and a waiver may be obtained for the duration of the permit term following the sample collection, for any hazardous metal that measures zero (0).

- (4) Hazardous metals monitoring waivers are effective beginning on the date that the waiver certification is made following submittal of an NOI, and lasting for the duration of the term of this general permit. The permittee will be required to comply with any requirements of a reissued general permit with respect to sampling and waivers, including obtaining a new hazardous metals monitoring waiver (see the criteria listed above).
- (e) **Relation to Benchmark Monitoring.** If a facility is required to sample for any of the above hazardous metals as part of the benchmark requirements in Part V of this permit, then the permittee is subject to the effluent limitations listed in Part III, Section C.1. of this general permit for those hazardous metals sampled at a final outfall as part of benchmark monitoring. There are no waivers available for pollutants that are required in Part V of the general permit. If sampling for benchmark metals is not performed at a final outfall, then the above effluent limits may not apply for the benchmark sample if the sample is not representative of the discharge from the site. In this situation, the discharge must also be sampled at each final outfall to comply with the sampling and analyses requirements of this section.

2. Discharges Subject to Federal Categorical Guidelines

Part V of this general permit includes additional effluent limitations for certain stormwater discharges as required under 40 CFR Subchapter N (Parts 400-471). The permittee is subject to the sampling and reporting requirements as stipulated in the applicable sections of Part III, Section D, and Part V of this general permit.

Section D. General Monitoring and Records Requirements

1. Qualifying Storm Events

For purposes of the MSGP, a qualifying storm event as an event that results in a discharge from the permitted facility. For qualifying storm events, the following requirements apply:

- (a) Monitoring, sampling, examinations, and inspections of stormwater discharges that are required as a provision of this general permit must be conducted on discharges from a measurable storm event that results in an actual discharge from the site, and that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour storm interval does not apply if the permittee is able to document in the SWP3 that less than a 72-hour (3-day) interval is representative for local qualifying storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the site.

- (b) A facility that has retention ponds as BMPs will not always have a discharge from the pond(s) immediately following a qualifying storm event. If any storm events occurred prior to discharge from the outfall, regardless of the time period between the last storm event and the discharge, the permittee may consider the discharge to be the result of the previous qualifying storm event.
- (c) The permittee shall maintain a rain gauge on-site to determine when a qualifying storm event occurs. The rain gauge must be monitored a minimum of once per week, and once per day during storm events. Records of the date and rainfall total must be retained on-site or made readily available for review. If there is no rain during a given week, the permittee shall monitor and record a zero rainfall total or no rain for the week. Rain gauge monitoring and recordkeeping may be temporarily suspended during a given monitoring period if a qualifying storm event has occurred and the required sampling and analyses or visual observations have been performed.

2. Representative Discharge Samples

- (a) All samples must be representative of the discharge.
 - (1) Sampling should be conducted within the first 30 minutes of discharge using a grab sample. Sampling from retention ponds described in Part III, Section D.1.b. above should be conducted within 30 minutes of the initiation of discharge from the pond. If it is not practicable to collect the sample or to complete the sampling within the first 30 minutes, then sampling must be completed within the first hour of discharge.

If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

In the case of snowmelt, samples must be taken during a period with a measurable discharge.
 - (2) If alternate sampling requirements are defined in the permit where numeric effluent limitations have been established, the permittee shall comply with the requirements described in the section with the numerical effluent limits; however, other applicable portions of this section will still apply.
 - (3) Authorized Stormwater Discharges that Combine with Other Permitted Flows. If stormwater discharges authorized under this general permit combine with other stormwater or with wastewater authorized under a separate permit, then sampling must be conducted at a point before the waters combine.
 - (4) Non-Stormwater Discharges. Monitoring of allowable non-stormwater discharges is only required when they are commingled with stormwater discharges associated with industrial activity.
- (b) Representative Discharges from Substantially Similar Outfalls.
 - (1) Monitoring requirements apply to all outfalls authorized by this permit, unless the permittee establishes substantially similar outfall(s). If discharges of stormwater through two (2) or more outfalls show substantially similar effluents, then sampling and monitoring may be conducted at only one (1) of those outfalls that are substantially similar, and the results may be reported as representative of the discharge from the substantially similar outfall(s).

Before results may be submitted as representative of discharges from substantially similar outfalls, the permittee shall ensure that the SWP3 includes a description of all outfall locations and a detailed justification of why the discharge qualities from the outfalls are substantially similar.

To determine if outfalls are substantially similar, the following characteristics of each outfall must be compared:

- a. the industrial activities that occur in the drainage area to each outfall;
 - b. significant materials stored or handled within the drainage area to each outfall; and
 - c. the management practices and pollution control structures that occur within the drainage area of each outfall.
- (2) Substantially similar outfalls may be established for the following monitoring requirements described in this general permit:
- a. Quarterly Visual Monitoring (Part III, Section B.3);
 - b. Hazardous Metals Monitoring (Part III, Section C); and
 - c. Benchmark Monitoring (Parts IV and V)
- (3) Substantially similar outfalls may not be established for the following:
- a. Outfalls with any non-stormwater discharges; and
 - b. Outfalls with discharges subject to numeric effluent limits listed in Part V (sector-specific effluent limits).
- (4) The following information must be documented in the SWP3 if the substantially similar outfall exception is being used for any required monitoring:
- a. location of each of the substantially similar outfalls;
 - b. description of the general industrial activities conducted in the drainage area of each outfall;
 - c. description of the control measures implemented in the drainage area of each outfall;
 - d. description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
 - e. estimate of the runoff coefficient of the drainage areas;
 - f. explanation regarding why the outfalls are expected to discharge substantially similar effluents; and
 - g. assurance that control measures have been assessed and modified as appropriate for each outfall represented by the monitored outfall, if necessary due to stormwater contamination being identified through visual assessment of substantially similar outfall.

3. Monitoring Periods

- (a) Sampling, inspections, and examinations that are required on a quarterly basis must be conducted during the following periods:

First (1st) quarter - January 1 thru March 31;
Second (2nd) quarter - April 1 thru June 30;
Third (3rd) quarter - July 1 thru September 30; and
Fourth (4th) quarter - October 1 thru December 31.

Permittees shall begin required sampling, inspections, and examinations on a quarterly basis in the first full quarter following submission of a NOI.

- (b) Sampling, inspections, and examinations that are required on a semiannual basis must be conducted during the following periods:

First (1st) period - January 1 thru June 30; and
Second (2nd) period - July 1 thru December 31.

Permittees shall begin required sampling, inspections, and examinations on a semiannual basis in the first full period following submission of a NOI.

- (c) Monitoring, inspections, and examinations that are required on an annual basis must be conducted before December 31st of each calendar year, beginning with the calendar year that includes the first full quarter following submittal of an NOI.

4. Exceptions to Monitoring Requirements

- (a) Adverse Conditions.

- (1) Requirements to sample, inspect, examine or otherwise monitor stormwater discharges within a prescribed monitoring period may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to a discharge (e.g., flooding, freezing conditions, extended periods of drought). Adverse conditions that result in the temporary suspension of a permit requirement to sample, inspect, examine, or otherwise monitor stormwater discharges must be documented and included as part of the SWP3. Documentation must include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.
- (2) Monitoring Waivers. When monitoring is temporarily suspended due to adverse conditions, that monitoring must be conducted in the next monitoring period, in addition to any monitoring required for that period. If the temporarily suspended monitoring requirement cannot be fulfilled during the next monitoring period due to continued adverse conditions, then it is permanently waived for both monitoring periods.
- (3) The SWP3 must include records of why monitoring was temporarily suspended due to adverse conditions.

- (b) Inactive Facilities. Permitted facilities in this inactive status must provide written notice to the executive director of this status. Following this notification, permit requirements to sample, inspect, examine, or otherwise monitor stormwater discharges are waived during the period that a facility maintains inactive status, unless the requirements in Part V. of this permit include specific requirements for inactive facilities.

Inactive facilities must notify the executive director in writing at least 48 hours before commencing industrial activities and transferring to active status.

5. Records Retention

Monitoring and reporting records, copies of all other records required by this general permit, and records of all data used to complete the application for this general permit must be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction for a period of three (3) years from the date of the record or sample, measurement, report, application, or certification. This period must be extended at the request of the executive director.

The SWP3 must be maintained, and be made readily available for inspection and review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. Additionally, a copy of all SWP3s for the preceding three (3) year period must be maintained and made readily available for review. In circumstances where the number of revisions to the SWP3 makes this requirement burdensome, a log or record of revisions for the preceding three (3) year period may be maintained and made available.

If the general permit is terminated or allowed to expire without renewal, the SWP3 must be maintained and made readily available for review for a minimum period of one (1) year following cessation of permit coverage.

6. Monitoring and Inspection Documentation

The procedures for conducting the required analytical monitoring must be documented in the SWP3.

- (a) For each type of monitoring required in the permit, the SWP3 must include the following:
 - (1) a list of locations where samples are collected, including any determination that two (2) or more stormwater only outfalls are considered to be substantially similar;
 - (2) parameters that must be sampled, including the frequency of sampling for each parameter;
 - (3) schedules for conducting monitoring activities;
 - (4) any numeric control values applicable to discharges from each outfall (e.g., benchmark sampling levels, numeric effluent limitations, or other requirements); and
 - (5) procedures for gathering storm event data.
- (b) if the permittee is not conducting monitoring due to claiming an inactive and unstaffed site, the information to support this claim must be included in the SWP3.
- (c) The procedures for performing the inspections specified by this permit must be documented in the SWP3, including routine facility inspections, quarterly visual assessment of stormwater discharges, and comprehensive site inspections.

For each type of inspection performed, the SWP3 must identify the person(s) or positions of person(s) responsible for inspection; schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater runoff discharges; and specific items to be covered by the inspection, including schedules for specific outfalls.

Section E. Standard Permit Conditions

30 TAC Chapter 305 requires certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§305.121 - 305.129, Subchapter F, Permit Characteristics and Conditions, as promulgated under the TWC §§5.103 and 5.105, the Texas Health and Safety Code §§361.017 and 361.024(a), and those sections of 40 CFR Part 122 adopted by reference by the Commission, establish the characteristics and standards for waste discharge permits. This section includes these conditions and incorporates them into this general permit. More specific requirements for some of these standard permit conditions may be defined for specific sectors of industrial activity that are authorized to discharge under this general permit.

1. General Conditions**(a) Duty to Comply.**

- (1) Submission of an NOI for permit coverage is an acknowledgment that the applicant agrees to comply with the conditions of the general permit. Acceptance of authorization under the provisions of this general permit constitutes acknowledgment and agreement that the permittee will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- (2) The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code and is grounds for enforcement action, for revocation or suspension of coverage under this general permit, and for requiring a permittee to apply for a TPDES individual permit or coverage under an alternative general permit.

(b) Toxic Pollutants.

- (1) If any toxic effluent standard or prohibition is promulgated according to the TWC §26.023 for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than the conditions of this general permit, this general permit must be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.
- (2) The permittee shall comply with effluent standards or prohibitions established according to the TWC §26.023 for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if this general permit has not yet been modified to incorporate the requirement.

(c) Permit Flexibility. Authorization under this general permit may be modified, suspended or revoked for cause according to 30 TAC §§305.62 and 305.66 and the TWC Section §7.302. The filing of a notice of planned changes or anticipated non-compliance does not stay any permit condition.**(d) Property Rights.** A permit does not convey any property rights of any sort, or any exclusive privilege.**(e) Duty to Provide Information.** The permittee shall furnish to the executive director, upon request, any information, including records that are maintained as a requirement of this permit, necessary to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit.**(f) Criminal and Civil Liability.**

- (1) As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the CWA, the TWC, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to: knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance; falsifying or tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit; or violating any other requirement imposed by state or federal regulations. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance.
- (2) Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit or applicable regulation, which avoids or effectively defeats the regulatory purpose of this general permit, may subject the permittee to criminal enforcement.
- (g) Severability. The provisions of this general permit are severable and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

2. Proper Operation and Maintenance

- (a) Need to Halt or Reduce Not a Defense. 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 in order to maintain compliance with the conditions of this general permit.
- (b) Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.
- (c) Operation of Treatment and Control Systems.
 - (1) The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained in a manner that will minimize discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.
 - (2) The permittee shall provide an adequate operating staff that is duly qualified to carry out operation, maintenance, and testing functions required to ensure compliance with the conditions of this general permit.
- (d) Anticipated Non-compliance. The permittee shall give advance notice to the executive director of any planned changes in the permitted facility or activity that may result in non-compliance with permit requirements.

3. Inspection and Entry Requirements

- (a) Inspection and Entry. Inspection and entry must be allowed as prescribed in the TWC Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.

- (b) **Entry to Public or Private Property.** The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of surface water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of surface water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the executive director may invoke the remedies authorized in TWC §7.002.

4. Monitoring and Sampling

- (a) **Representative Sampling.** Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity or activities and must be taken at an outfall or outfalls that will best represent the types of industrial activity or activities conducted at a facility site. If no obvious outfall location is present (e.g., a diffuse point source), the permittee may need to create a sampling point. This may include creating a depression or using physical means (e.g., sandbags or curbs) to direct the runoff for easier collection for sampling and measurement purposes.
- (b) **Benchmark Monitoring.** This type of monitoring differs from monitoring for compliance with numeric effluent limitations. Results from benchmark monitoring are used to determine if the selected BMPs are effective. The samples should be collected from internal or external outfalls where the BMPs are installed.
- (c) **Monitoring Procedures.**
 - (1) Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12.
 - (2) 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.
- (d) **Monitoring Results.** Monitoring results must be provided at the intervals specified in this general permit.
- (e) **Additional Monitoring by the Permittee.** If the permittee monitors any pollutant more frequently than required by this general permit using approved analytical methods, all results of the monitoring must be included in the calculation and reporting of the values recorded on the DMR form and must be included in any other calculation, record, or reports required to be maintained as a provision of this general permit. Increased frequency of sampling must be indicated on the DMR.

5. Records Requirements

- (a) **Retention of Records.**

- (1) The period records are required to be retained must be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.
 - (2) Monitoring and reporting records, including records of calibration and maintenance, and copies of all records and reports required by this permit, must be retained at the facility or must be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification unless otherwise specified in this permit. This period must be extended at the request of the executive director.
- (b) Record Contents.
- Records of monitoring must include, at a minimum, the following:
- (1) date, time, and place of sample or measurement;
 - (2) identity of the individual who collected the sample, made the measurement or observation, or performed the analysis;
 - (3) date and time the sample, measurement, or observation was made, and the analysis conducted;
 - (4) identity of the individual and laboratory who performed the analysis;
 - (5) technique or method of analysis;
 - (6) results of the measurement, observation, or analysis; and
 - (7) quality assurance/quality control records.

6. Reporting Requirements

- (a) Self-Reporting of Numeric Effluent Limits Results.
- (1) Results of analyses for determining compliance with numeric effluent limitations must be recorded on a discharge monitoring report (DMR). Effective December 21, 2016, DMRs shall be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to the TCEQ Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit.
 - (2) Monitoring must be conducted prior to December 31st for each annual monitoring period. Results of the monitoring must be recorded on a DMR and made available by March 31 of the following year as described below:
 - (3) DMRs for hazardous metals sampling (see Part III, Section C.1. of this general permit) must either be retained at the facility or must be otherwise made readily available for review upon request by March 31st of the following year.
 - (4) In addition, DMRs for the following sampling results must be submitted to the TCEQ at the address shown on the DMR, and to the appropriate TCEQ Regional Office:
 - a. Non-compliance with any effluent limit (e.g. hazardous metals effluent limits) (also see Part III, Section E.6.(b) below), or

- b. Results of all sampling and monitoring performed to comply with effluent limitations guidelines, or ELGs (40 CFR Parts 400 through 471) as described in Part V of this permit (See Part V, Sections A.7., C.4., D.4., E.5., J.6., O.5., and S.6). If no discharge occurs from facilities subject to ELGs under these sections, a DMR must be submitted that indicates no discharge occurred during the reporting period. In addition to reporting requirements for numeric effluent limits that are recorded on DMRs, the permittee shall report to the TCEQ the results of all sampling and monitoring performed to comply with any non-numeric as described in Part V of this permit, and this information shall be submitted along with the DMR form, by March 31 of each year.

(b) Non-compliance Notification.

- (1) According to 30 TAC §305.125(9) any non-compliance that may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by electronic facsimile transmission (fax) to the TCEQ regional office within 24 hours of becoming aware of the non-compliance. A written report must be provided by the permittee to the TCEQ regional office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the non-compliance. The written report must contain:
 - a. a description of the non-compliance and its cause;
 - b. the potential danger to human health or safety, or the environment;
 - c. the period of non-compliance, including exact dates and times;
 - d. if the non-compliance has not been corrected, the anticipated time it is expected to continue; and
 - e. steps taken or planned to reduce, eliminate, and prevent recurrence of the non-compliance, and to mitigate its adverse effects.
- (2) In addition to the above, any violation that deviates from the permitted effluent limitation by more than 40% must be reported in writing to the appropriate TCEQ regional office and to the Enforcement Division (MC-224) within five working days of becoming aware of the non-compliance.
- (3) Other Non-compliance.

In addition to the reporting requirements listed in Part III, Sections E.6.(b)(1) and (2) above, any non-compliance with the permit must be reported in writing to the TCEQ:

- a. Non-compliance with an effluent limitation for a discharge subject to federal numeric effluent limitations guidelines (40 CFR Subchapter N – Parts 400-471) must be recorded on a DMR. All DMRs recording the compliant annual sampling results must be submitted to the appropriate regional office of the TCEQ by March 31st of the following year, in accordance with Part III, Section E.6.(a)(1) above. This requirement is in addition to the reporting requirement for all results of ELG sampling as described in Part III, Section E.6.(a)(4) above.
- b. Any non-compliance with an effluent limit for any of the hazardous metals required in Part III, Section C.1 of this permit must be recorded on a DMR and reported at a frequency of at least once per year. The DMR must be submitted

by March 31st of the following year, in accordance with Part III, Section E.6.(a)(1) above.

- c. Any other non-compliance(s) as described in Part III.B.5(b)(6)(a) must be reported to the TCEQ by March 31 following the calendar year in which the non-compliance(s) occurred. The permittee shall report any additional non-compliance(s) not described above under this paragraph to the TCEQ, Information Resource Division, MC-213, or to the address shown on a reporting form, if one is made available by TCEQ. The permittee may meet this requirement by submitting a copy of the Annual Comprehensive Site Compliance Inspection Report (see Part III, Section B.5.(b) or by submitting a narrative explanation of the non-compliance(s).
- (c) Signatory Requirements for Reports and Certifications. All reports and certifications required in this permit or otherwise requested by the executive director must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).
- (d) Other Information. When the permittee becomes aware that it either submitted incorrect information or failed to submit any relevant facts on an NOI, NOT, NEC, NOC, or any report, it must promptly submit the facts or information to the executive director.

7. Solid Waste

(a) Industrial Solid Waste

Facilities that generate industrial solid waste as defined in 30 TAC §335.1 must comply with these provisions:

- (1) Any solid waste, as defined in 30 TAC §335.1, generated by the permittee during the management and treatment of stormwater, must be managed according to all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste and Municipal Hazardous Waste.

For the purpose of stormwater treatment, a solid waste management unit includes structural controls such as detention ponds, retention ponds, or other similar dedicated ponds used for removal of pollutants in stormwater, and does not include other control structures such as berms; grass swales; pipes and ditches (or similar stormwater conveyances); or silt fences.

- (2) Stormwater that is being collected, accumulated, stored, or processed within a solid waste management unit, before discharge through any final outfall authorized by this permit, is considered to be solid waste until the stormwater passes through the actual point source discharge, and must be managed according to all applicable provisions of 30 TAC Chapter 335.
- (3) The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.6, to the Corrective Action Section (MC-127) of the Remediation Division informing the Commission of any closure activity involving a Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
- (4) Construction of any solid waste management unit requires the prior written notification of the proposed activity, pursuant to the requirements of 30 TAC §335.6(a) to the Registration and Reporting Section (MC 129) of the Permitting

- (5) and Registration Support Division. No person shall dispose of industrial solid waste or municipal hazardous waste, including sludge or other solids from stormwater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.
- (6) The permittee shall keep management records for all sludge or other waste removed from any stormwater treatment process. These records must fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
- volume of waste and date generated from treatment process;
 - volume of waste disposed of onsite or shipped off-site;
 - date of disposal;
 - identity of hauler or transporter;
 - location of disposal site; and
 - method of final disposal.

The above records must be updated on a monthly basis. The records must be retained at the facility or must be readily available for review by authorized representatives of the TCEQ for at least five years.

(b) Municipal Solid Waste

All facilities regulated under this general permit that generate municipal solid waste must comply with applicable rules and regulations, including 30 TAC Chapter 330.

Part IV. BENCHMARK MONITORING REQUIREMENTS

Certain industrial activities are required to conduct additional sampling for the purpose of characterizing the discharge from the regulated activity (ies). The following sectors are required to conduct benchmark sampling:

Table 3. List of sectors with monitoring requirements, benchmark parameters, and benchmark levels.

Sector(s) with Monitoring Requirements	Benchmark Parameter	Benchmark Value
C, E, F, H, M, N, Q, AA	Aluminum, total	1.2 mg/L
K, S	Ammonia-Nitrogen	1.7 mg/L
G	Antimony, total	0.636 mg/L
A, K	Arsenic, total	0.01 mg/L
G	Beryllium, total	0.13 mg/L
T	BOD5	20 mg/L
G	Cadmium, total	.001 mg/L
A,B, G, K, N, S,U, AD	COD	60 mg/L
A, F, G, N	Copper, total	0.03 mg/L
K	Cyanide, total	0.02 mg/L
C, E, F, G, H, L, M, N, O, Q, AA	Iron, total	1.3 mg/L
C, G, K, M, N, Q	Lead, total	0.01 mg/L

K	Magnesium, total	1.4 mg/L
G	Manganese, total	1 mg/L
G	Mercury, total	0.0002 mg/L
G	Nickel, total	1.417 mg/L
C, G, J, U, AA	Nitrate + Nitrite Nitrogen	0.68 mg/L
AD	Oil & Grease	10 mg/L
C	Phosphorous	1.25 mg/L
E, G, J, S, AD	pH	6.0-9.0 S.U.
G	Selenium, total	0.01 mg/L
G	Silver, total	0.002 mg/L
A, C, D, E, F, H, J, O, Q, U, AA	TSS	50 mg/L
E, F, G, L, M, N, U, AD	TSS	100 mg/L
G	Turbidity	5 NTU
A, C, F, G, N, Q, Y, AA	Zinc, total	0.16 mg/L

Note: For some of the sectors the monitoring requirements are not applicable for all SIC codes. See Part V for detailed information.

Section A. Use of Benchmark Data

1. Monitoring for Benchmark Parameters in Discharges

The permittee shall monitor the discharge(s) from regulated industrial activities as required in Part III.E.4(b) and Part V of this general permit, for the benchmark parameters specified within each section of Part V. Benchmark monitoring is required for the industrial sector(s) listed in Part V of this permit that are applicable to the permittee's facility/site. This includes the primary industrial activity and any co-located industrial activities (i.e., secondary industrial activities) that are conducted at the site and are described in this permit.

- (a) The permittee shall compare the results of the benchmark analyses to the benchmark values for any pollutant(s) that the permittee is required to monitor according to Part V of this general permit, and shall include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. However, not conducting benchmark sampling, not submitting the benchmark monitoring form with sample results, or not submitting the benchmark monitoring form with an explanation as to why the sampling failed to be conducted is a violation of the permit requirements for benchmark monitoring submittal. Exceedances of benchmark values indicate that modifications to the SWP3 and current BMP(s) may be necessary.
- (b) The permittee is not eligible for a sampling waiver under Part III, Section C. of this permit for any hazardous metals that are required to be sampled as part of benchmark monitoring. The permittee is subject to the effluent limitations in Part III, Section C. for any monitoring for hazardous metals that is conducted at a final outfall.
- (c) Sampling, monitoring, and analyses must be conducted according to procedures specified in Part III, Section E4. of this permit unless otherwise specified and using test

procedures with minimum analytical levels (MALs) at or below benchmark values for all the benchmark parameters for which sampling is required.

2. Background Concentrations

If during benchmark monitoring the average concentration of a pollutant exceeds a benchmark value and it is determined that the exceedance is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective action or additional benchmark monitoring provided that:

- (a) the average concentration of the benchmark monitoring results are less than or equal to the concentration of the pollutant in the natural background;
- (b) the permittee documents in the SWP3 the supporting rationale for concluding that benchmark exceedance are attributable solely to natural background pollutant levels, as outlined in Part IV, Section A.2. of this permit. Any data previously collected (including literature studies) must be included in the supporting rationale that describe the levels of natural background pollutants in the stormwater discharge; and
- (c) the permittee notifies TCEQ in writing during the reporting period for the sampling period that the permittee determined the benchmark exceedance are attributable solely to natural background pollutant levels.

Natural background pollutants include substances that are naturally occurring in the soil or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the site, or pollutants in runoff from neighboring sources that are not naturally occurring. Background concentrations may be identified by laboratory analyses of samples of stormwater runoff to the permitted facility, laboratory analyses of samples of stormwater runoff from adjacent non-industrial areas, or by identifying the pollutant as a naturally occurring material in soil at the site.

3. Investigations of Benchmark Value Exceedences

The Pollution Prevention Team must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 within 90 days following the sampling event.

The Pollution Prevention Team investigation must identify the following:

- (a) any additional potential sources of pollution, such as spills that might have occurred;
- (b) necessary revisions to the Good Housekeeping Measures section of the SWP3;
- (c) additional BMPs, including a schedule to install or implement the BMPs; and
- (d) other parts of the SWP3 for which revisions are appropriate.

Background concentrations of specific pollutants may be considered during the investigation as described in Part IV, Section A.2. above. If the Pollution Prevention Team is able to relate the cause of the exceedance to background concentrations, then subsequent exceedance of benchmark values for that pollutant may be resolved by referencing the earlier finding in the SWP3.

4. Exception for Inactive and Unstaffed Sites

The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to stormwater and that the permittee performs the following:

- (a) include a written statement in the SWP3 stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater. This statement must be signed and certified in accordance with 30 TAC §305.128; and
- (b) immediately begin complying with the applicable benchmark monitoring requirements in this section if circumstances change and industrial materials or activities become exposed to stormwater, or the facility becomes active or staffed, as this creates a condition where the exception no longer applies. Benchmark monitoring must be resumed as if in the first year of permit coverage. The permittee must indicate in the first benchmark monitoring report that the facility has materials or activities exposed to stormwater or has become active or staffed.
- (c) If a site or facility is not qualified for this exception at the time authorization is obtained under this permit, but becomes qualified because the facility is inactive and unstaffed at some point during the permit term, and there are no industrial materials or activities that are exposed to stormwater, then the permittee must notify TCEQ in writing of this change in the next benchmark monitoring report. Benchmark monitoring may be discontinued once TCEQ has been notified in writing, and a certification statement has been prepared and signed and certified in accordance with 30 TAC §305.128.

5. Adverse Weather Conditions

Sampling under this section is subject to the exceptions related to adverse weather conditions or drought in accordance with Part III, Section D.4. of this general permit.

Section B. Benchmark Monitoring Requirements

The benchmark monitoring parameters for each industrial sector are listed in Part V of this general permit under the individual sectors. Benchmark monitoring must be conducted once every six months for four (4) years following permit issuance.

1. Monitoring Periods

- (a) Benchmark monitoring must be conducted once every six months (January through June **or** July through December) following permit issuance, and then once during each subsequent semiannual monitoring period (i.e., January through June and July through December) during the remaining permit term, except that a waiver is available for the third and fourth year according to Part IV, Section B.1.(c) below.
- (b) Operators of industrial facilities that obtain coverage after the beginning of a monitoring period shall initiate benchmark monitoring during the first six month monitoring period (January through June **or** July through December). During permit renewal years, the operator shall initiate sampling in the first full six month monitoring period (i.e. January through June). Sampling must be conducted once per semiannual monitoring period (January through June and July through December) thereafter, for up to a total of four (4) years, or eight (8) semiannual monitoring periods, depending on when coverage is obtained. A waiver is available if the annual average results of monitoring during the first two (2) years are all below benchmark levels, in accordance with Part IV, Section B.1.(c) below.
- (c) Waiver from Benchmark Monitoring. If the annual average results of benchmark sampling for the first two monitoring years are all below the benchmark levels, the permittee is not required to conduct benchmark monitoring during the third and fourth monitoring years. The annual average result is the average of all samples collected for a particular pollutant for a specific SIC code during the previous calendar year, January

through December. If sampling for any monitoring period was not performed, then the average annual result must be calculated using the remaining samples for that calendar year.

Permittees who obtain a waiver are subject to the following limitations:

- (1) The permittee may exercise this waiver from benchmark monitoring, so long as the analytical result for any pollutant limited in the annual hazardous metal monitoring does not exceed the corresponding benchmark monitoring level for that pollutant, if that pollutant is included in the list of parameters in Part V of this permit for which monitoring is required of the permittee.
- (2) If during monitoring for annual hazardous metals, sampling to comply with sector-specific effluent specific limits, or any additional sampling performed by the facility operator, an analytical result exceeds the benchmark level for a pollutant for which a benchmark waiver was obtained, the permittee shall investigate the source of the exceedance, make the necessary correction or mitigation (as outlined above in section A) and return to performing benchmark monitoring according to: the requirements of Part IV; the applicable schedule outlined in Part III, Section D.3.; and any sector specific requirements that apply.
- (3) This waiver does not affect the requirements for a permittee to sample and analyze its discharge to comply with any numeric effluent limitations established in this permit. (See Part III, Section C, related to hazardous metals monitoring, and Part V for discharges subject to federal effluent limitations guidelines listed in Part V of this permit.

2. Reporting Requirements

- (a) Results of analyses for sampling during the first two benchmark monitoring years must be submitted to TCEQ before March 31st of each year following sample collection. The reported values must be the average yearly result of analysis for each specific pollutant discharged under a specific SIC code, rather than an outfall-by-outfall, basis. The report must be completed on a form provided by the executive director and mailed to the TCEQ's Wastewater Permitting Section (MC-148).
- (b) Substantially similar outfalls may be established for benchmark monitoring, in accordance with Part III, Section D.2. of this general permit.
- (c) Results of the average of the two semiannual benchmark analysis during the third and fourth monitoring years must be retained on site, unless the results exceed benchmark levels, in which case, the results must be submitted to TCEQ's Wastewater Permitting Section (MC-148) by March 31st of each year following sample collection.
- (d) If sampling during any six month period is not conducted for a pollutant due to adverse weather conditions or drought in accordance with Part III, Section D.4. of this general permit, then the reported average annual result must be based on data collected for that year. If there is no rain during a given week, the permittee shall monitor and record a zero rainfall total or no rain for the week according to Part III.D.1.(c).

Part V. SPECIFIC REQUIREMENTS FOR INDUSTRIAL ACTIVITIES

The requirements in Part V of this general permit are sector specific and are in addition to the requirements in Parts III and IV of this general permit. Where co-located industrial activities occur (refer to Part II, Section A.4. of this general permit) the additional conditions and requirements in Part V of this general permit for each of these activities also apply.

Section A. Sector A of Industrial Activity - Timber Products Facilities**1. Description of Industrial Activity**

The requirements under this section apply to stormwater discharges from activities identified and described as Sector A. Sector A industrial activities are described by the following Standard Industrial Classification (SIC) codes:

SECTOR A: TIMBER PRODUCTS*SIC Codes Description of Industry Sub-sector*

2411	Log Storage and Handling (without the use of chemical additives in spray water or applied to the logs)
2421	General Sawmills and Planning Mills
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431 – 2439 (except 2434)	-Millwork, Veneer, Plywood, and Structural Wood (SIC Code 2434 - Wood Kitchen Cabinets, see Sector W)
2441 - 2449	Wood Containers
2451, 2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products Not Elsewhere Classified

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Definitions

- (a) Debris. For the purposes of this section, debris is woody material such as bark, twigs, branches, heartwood, or sapwood that will not pass through a 2.54 centimeter (one-inch) diameter round opening and is present in the discharge from a wet storage facility.
- (b) Wet decking water. Water that is intentionally sprayed or deposited onto logs or roundwood that are being stored on land.

3. Limitations on Permit Coverage

- (a) Prohibition of Process Wastewater. This general permit does not authorize the discharge of wastewater resulting from the storage of logs or round wood before or after removal of bark in self-contained bodies of water (i.e., mill ponds or log ponds). Discharges from these activities must be authorized under an individual TPDES permit or other authorized means, or must be disposed in a manner that does not constitute a discharge into or adjacent to water in the state.
- (b) Prohibition of Stormwater from Wood Treatment Areas. This general permit does not authorize the discharge of stormwater that has come in contact with areas where chemical formulations designed to provide wood surface protection and wood preservation were sprayed. Stormwater discharges from these areas must either be

captured within a containment structure and disposed of in a manner that does not constitute a discharge into or adjacent to water in the state or must be discharged under authority of an individual TPDES permit or other authorized means.

4. Authorized Non-Stormwater Discharges

Wet Decking Water. In addition to the non-stormwater discharges allowed under Part II of this general permit, wet decking water may be discharged from lumber and wood storage yards where the wet decking process does not include chemical additives and where chemicals are not applied to the wood during storage.

5. Description of Potential Pollutants and Sources

- (a) **Inventory of Exposed Materials.** Facilities that use or have previously used chlorophenolic compounds, creosote, chromium, copper, or arsenic formulations for the surface protection of wood or wood preserving activities must address these activities in the SWP3 according to the requirements of Part III, Section A.3. of this general permit. The following areas must be included in the inventory of exposed materials:
 - (1) areas where treatment chemicals have contaminated any soils;
 - (2) areas where any wood treatment equipment remains or is stored, including equipment that is no longer in use;
 - (3) areas where treatment chemicals and treated materials remain; and
 - (4) BMPs that are implemented to minimize these materials from coming into contact with stormwater.
- (b) **Site Map.** The site map must include documentation of any of the following that may be exposed to stormwater: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

6. Pollution Prevention Measures and Controls

The SWP3 must include the following elements in addition to the requirements of Part III, Section A.4 and Part III, Section A.5. of this general permit:

- (a) BMPs and good housekeeping measures must be implemented to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.
- (b) Structural controls may be used to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.
- (c) Facilities that conduct surface protection or preservation of wood products shall develop specific BMPs, including an implementation schedule, to reduce pollution in runoff from these areas of industrial activity.
- (d) **Periodic Inspections.** Periodic inspections for facilities that conduct surface protection or preservation of wood products must include additional inspection procedures for processing areas, transport areas, and treated wood storage areas. The inspection procedures must provide an assessment of the effectiveness of BMPs in minimizing the amount of treatment chemicals that drip on unprotected soils and on other areas that come in contact with stormwater.

- (1) Where feasible, the permittee shall conduct monthly inspections, in the same manner as developed for quarterly inspections. If monthly inspections are not feasible, then the permittee shall document the reason in the SWP3 and shall retain a minimum inspection frequency of once per quarter.
- (2) The permittee shall conduct monthly inspections of wood treatment areas, treated wood storage areas, and treated wood transport loading and unloading areas to assess the effectiveness of specific BMPs and controls.
- (3) Results and records of inspections must be evaluated, maintained, and incorporated into the standard periodic inspection reports as described in Part III, Section B., regardless of the frequency that the inspections are conducted.
- (4) Follow-up procedures must be identified to ensure that appropriate actions are taken in response to the evaluations of the inspections.

7. Numeric Effluent Limitations Based on Federal Effluent Guidelines and Standards - Applicable to Sector A facilities discharging Wet Decking Water

- (a) The following numeric effluent limitations, based on guidelines from the Wet Storage Subcategory (Subpart I) of the Timber Products Processing Point Source Category (40 CFR Part 429), apply to discharges of wet decking water. These discharges must not exceed the following numeric effluent limitations and monitoring requirements:

Table 4. Numeric Effluent Limitations for Sector A Facilities Discharging Wet Decking Water

Parameter	Limitation	Monitoring Frequency
Debris	No Discharge	1/Year
pH	6.0-9.0 S.U.	1/Year

- (b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.
- (c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:
 - (1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.
 - (2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ's Information Resources Division, Central File Room (MC-213) and to the appropriate TCEQ Regional Office by March 31st of the following year, as described in Part III, Section E.6. of this permit.

In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

8. Benchmark Monitoring Requirements

The following subsectors must conduct benchmark monitoring on discharges of stormwater associated with industrial activities according to the requirements in Part IV of this general permit.

Table 5. Benchmark Monitoring Requirements for Subsections in Sector A

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2421	General Sawmills and Planing Mills	COD TSS Zinc, total	60 mg/L 50 mg/L 0.16 mg/L
2491	Wood Preserving	Arsenic, total Copper, total	0.010 mg/L 0.030mg/L
2411	Log Storage and Handling (Wet deck storage areas where no chemical additives are used in the spray water or applied to the logs)	TSS	50 mg/L
2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493 and 2499	Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified	COD TSS	60 mg/L 50 mg/L

Section B. Sector B of Industrial Activity - Paper and Allied Products Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector B. Sector B industrial activities are described by the following SIC codes:

SECTOR B: PAPER AND ALLIED PRODUCTS

SIC Codes Description of Industry Sub-sector

2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills

2652 – 2657 Paperboard Containers and Boxes

2671 – 2679 Converted Paper and Paperboard Products, Including Plastic Bags Produced from Plastics Film

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Benchmark Monitoring Requirements

The following subsectors must conduct benchmark monitoring according to the requirements in Part IV of this general permit and must conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 6. Benchmark Monitoring Requirements for Subsections in Sector B

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2631	Paperboard Mills	COD	60 mg/L

Section C. Sector C of Industrial Activity - Chemical and Allied Products Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector C. Sector C industrial activities are described by the following SIC codes:

SECTOR C: CHEMICAL AND ALLIED PRODUCTS

SIC Codes Description of Industry Sub-sector

2812 – 2819 Basic Industrial Inorganic Chemicals

2821 – 2824 Plastic Materials, Synthetic Resins, Non-vulcanizable Elastomers (Synthetic Rubber), Cellulose Plastics Materials, and Other Manmade Fibers Except Glass

2833 – 2836 Medicinal Chemicals and Botanical Products, Pharmaceutical Preparations, In Vitro and In Vivo Diagnostic Substances, Biological Products (Except Diagnostic Substances)

2841 – 2844 Soaps and Detergents; Specialty Cleaning, Polishing, and Sanitation Preparations, Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants, Perfumes, Cosmetics, and Other Toilet Preparations

2851 Paints, Varnishes, Lacquers, Enamels, and Allied Products

2861 – 2869 Industrial Organic Chemicals

2873 – 2879 Agricultural Chemicals (Including Fertilizers, Pesticides, Fertilizers Solely from Leather Scraps and Leather Dust, and Mixing of Fertilizers, Compost, and Potting Soils)

2891 – 2899 Miscellaneous Chemical Products (Including Adhesives and Sealants, Explosives, Printing Ink, and Carbon Black)

2911 Petroleum Refineries

3952 (Limited to List)-Inks and Paints, including: China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting; Artist's Paints, and Artist's Watercolors

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Limitations on Permit Coverage

- (a) Prohibition of Contaminated Runoff from Petroleum Refineries. Discharges of stormwater from petroleum refineries subject to federal guidelines found at 40 CFR Part 419 are not authorized under this general permit and must be authorized by an individual TPDES wastewater discharge permit or other authorized means. This general permit only authorizes the discharge of non-process area stormwater runoff from petroleum refineries described by SIC code 2911 that are not subject to 40 CFR Part 419 guidelines.
- (b) Prohibition of Non-Stormwater Discharges. Non-stormwater discharges are not eligible for coverage except according to the conditions of Part II, Section A.6. of this general permit. The following non-stormwater discharges are specifically prohibited under this section: discharges containing inks, paints, and other substances resulting from an onsite spill; contents from drip pans; wash-waters from material handling and processing areas; and wash waters/rinse-waters from drums, tanks, and other containers.

3. Pollution Prevention Measures and Controls/Management of Runoff with Structural Controls

The following requirements must be included in the SWP3 according to requirements of Part III, Sections A.4. and A.5. of this general permit:

- (a) Security System. A security system must be developed to prevent accidental or intentional discharges by unauthorized individuals. The system may include fences, lights, traffic controls, building security, and equipment security.
- (b) Practices for Material Handling and Storage Areas. Practices must be developed to conform to the following:
 - (1) Diking, curbing, berms, or other appropriate controls must be used in areas where liquid or powdered materials are stored to reduce the potential of contamination of stormwater from these materials.
 - (2) Curbs, culverts, gutters, sewers, or other forms of drainage control must be used to minimize contamination of stormwater in all other outside storage areas, including areas for machinery, scrap and construction materials, and pallets.
 - (3) Roofs, covers, or other types of protection must be used in all other outside storage areas to limit or prevent exposure of materials to precipitation or runoff.
 - (4) In areas where liquid or powdered materials are transferred in bulk from truck or rail cars, permittees shall develop and implement measures to minimize contact of materials with precipitation or runoff. Hose connection points at storage containers must be located within containment areas and drip pans or other measures must be used outside the containment area (e.g. at hose reels, connection points with rail cars, tank trucks) to prevent spills from contacting precipitation or runoff.

- (5) In areas where materials are transferred as packaged materials, permittees shall consider providing appropriate protection such as overhangs or door skirts to enclose trailer ends at truck loading docks, or equivalent controls.
- (6) Structures used to limit pollution at material handling and storage areas should control drainage through the use of manually operated valves or other similar positive control devices. Flapper-type gate valves are not allowed. Pumps may be used to empty containment areas, but pumps must not be automatically activated. If a facility is not engineered with such controls, the facility's separate storm sewer system should be equipped to prevent or divert a discharge of spilled materials until the materials can be recovered.

4. Numeric Effluent Limitations Based on Federal Effluent Limitations Guidelines - Applicable to Sector C facilities discharging stormwater from phosphate fertilizer manufacturing activities.

- (a) The following numeric effluent limitations, based on guidelines from the Phosphate Subcategory (Subpart A) of the Fertilizer Manufacturing Point Source Category (40 CFR Part 418) apply to stormwater runoff that has come into contact with any raw materials, intermediate product, finished product, by-product or waste from areas of industrial activity described by SIC code 2874 (Phosphatic Fertilizers). These numeric effluent limits do not apply to other discharges covered under this section.

Samples of these discharges must be obtained before the runoff combines with other stormwater runoff. Discharges must not exceed the following numeric effluent limitations, and are subject to monitoring as follows:

Table 7. Numeric Effluent Limitations for Sector C Facilities Discharging from Phosphate Fertilizer Manufacturing Activities

Parameter	Limitations Daily Avg*	Limitations Daily Max	Monitoring Frequency
Total Phosphorus (as P)	35 mg/L	105 mg/L	1/Year
Fluoride	25 mg/L	75 mg/L	1/Year

*The daily average limit only applies when two or more samples are collected during a calendar month.

- (b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.
- (c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:
 - (1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.
 - (2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ's Information Resources Division, Central File Room (MC-213) and to the appropriate TCEQ Regional Office by March 31st of the following year, as described in Part III, Section E.6. of this permit.

- (3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

5. Benchmark Monitoring Requirements

The following subsectors must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 8. Benchmark Monitoring Requirements for Subsections in Sector C

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2812-2819	Basic Industrial Inorganic Chemicals	Aluminum, total Iron, total Nitrate+Nitrite N TSS	1.2 mg/L 1.3 mg/L 0.68 mg/L 50 mg/L
2821-2824	Plastics, Synthetic Resins, Non-vulcanized Elastomers (Synthetic Rubber), Cellulose Plastics Materials, and Other Manmade Fibers Except Glass.	Zinc, total	0.16 mg/L
2841-2844	Soaps and Detergents; Specialty Cleaning, Polishing, and Sanitation Preparations; Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants; Perfumes, Cosmetics, and Other Toilet Preparations	Nitrate + Nitrite N Zinc, total	0.68 mg/L 0.16 mg/L
2873-2879	Agricultural Chemicals (Including Fertilizers, Pesticides, Fertilizers Solely from Leather Scraps and Leather Dust, and Mixing of Fertilizers, Compost, and Potting Soils)	Nitrate + Nitrite N Lead, total Iron, total Zinc, total Phosphorus TSS	0.68 mg/L 0.010 mg/L 1.3 mg/L 0.16 mg/L 1.25 mg/L 50 mg/L

Section D. Sector D of Industrial Activity - Asphalt Paving and Roofing Materials and Lubricant Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector D. Sector D industrial activities are described by the following SIC codes:

SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS*SIC Codes Description of Industry Sub-sector*

2951, 2952 Asphalt Paving and Roofing Materials, Portable Asphalt Plants

2992, 2999 Miscellaneous Products of Petroleum and Coal Including Lubricating Oils and Greases

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Limitations on Permit Coverage

The following facilities are not eligible for coverage under this general permit:

- (a) petroleum refining facilities, including those that manufacture asphalt or asphalt products, including facilities described by SIC 2911 (also see Sector C);
- (b) oil recycling facilities; and
- (c) fats and oils rendering facilities.

3. Pollution Prevention Measures and Controls

Periodic Inspections. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.2. of this general permit and conducted at least once per month in the following areas:

- (a) material storage and handling areas;
- (b) areas containing liquid storage tanks, hoppers or silos;
- (c) vehicle and equipment maintenance, cleaning, and fueling areas; and
- (d) material handling, equipment storage, and processing areas.

Results of the inspections must be evaluated and records of inspections maintained. Follow-up procedures must be identified to ensure that appropriate actions are taken in response to the inspector's findings.

4. Numeric Effluent Limitations - Applicable to Sector D Facilities Discharging Stormwater from Asphalt Emulsion Manufacturing Production Areas

- (a) The following numeric effluent limitations, based on guidelines from the Asphalt Emulsion Subcategory of the Paving and Roofing Materials (Tars and Asphalt) Manufacturing Point Source Category (40 CFR § 443.13) apply to all stormwater runoff from asphalt paving and roofing emulsion production areas. Samples of these discharges must be obtained before the runoff combines with stormwater runoff or other waste streams that may be covered under this permit. Samples must be analyzed as follows, and must not exceed the following numeric effluent limitations:

Table 9. Numeric Effluent Limitations for Sector D Facilities Discharging from Asphalt Emulsion Manufacturing Production Areas

Parameter	Limitations Daily Avg*	Limitations Daily Max	Monitoring Frequency
TSS	15 mg/L	23 mg/L	1/Year
Oil and Grease	10 mg/L	15 mg/L	1/Year
pH	6.0-9.0 S.U.	6.0-9.0 S.U.	1/Year

*The daily average limit only applies when two or more samples are collected during a calendar month.

- (b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.
- (c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:
 - (1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.
 - (2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ's Information Resources Division, Central File Room (MC-213) and to the appropriate TCEQ Regional Office by March 31st of the following year, as described in Part III Section D.3 of this permit.
 - (3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st, following the annual monitoring period.

5. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring on discharges of stormwater associated with industrial activities according to the requirements in Part IV of this general permit.

Table 10. Benchmark Monitoring Requirements for Subsections in Sector D

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2951, 2952	Asphalt Paving and Roofing Materials, Portable Asphalt Plants	TSS	50 mg/L

Section E. Sector E of Industrial Activity - Glass, Clay, Cement Concrete, and Gypsum Product Manufacturing Facilities**1. Description of Industrial Activity**

The requirements under this section apply to stormwater discharges from activities identified and described as Sector E. Sector E industrial activities are described by the following SIC codes:

SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS

SIC Codes Description of Industry Sub-sector

3211 Flat Glass

3221, 3229 Glass and Glassware, Pressed or Blown

3231 Glass Products Made of Purchased Glass

3241 Hydraulic Cement

3251 – 3259 Structural Clay Products

3261 Vitreous China Plumbing Fixtures and China Earthenware Fittings and Bathroom Accessories

3262 – 3269 Pottery and Related Products

3271 – 3275 Concrete, Lime, Gypsum and Plaster Products (includes Ready-Mix Concrete Plants)

3281 Cut Stone and Stone Products

3291 Abrasive Products

3292 Asbestos Products

3295 Minerals and Earths, Ground or Otherwise Treated

3296 Mineral Wool

3297 Non-Clay Refractories

3299 Nonmetallic Mineral Products, Not Elsewhere Classified

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Non-Stormwater Discharges

This section does not authorize the discharge of any additional wastestreams. Facilities are required to seek authorization to discharge or land apply process wastewater resulting from washing of trucks, mixers, transport buckets, concrete forms, and other equipment under a separate TPDES or TCEQ wastewater permit.

3. Pollution Prevention Measures and Controls

The following requirements must be included in the SWP3 according to requirements of Part III, Section A.4. of this general permit:

- (a) Specific good housekeeping measures must be developed to minimize and prevent exposure of spilled cement, aggregate (including sand and gravel), kiln dust, fly ash, and other dust to precipitation or runoff.

- (b) Wherever possible, fine solids such as cement, fly ash, and kiln dust must be stored in enclosed silos, hoppers, buildings or other structures to prevent exposure to precipitation or runoff.
- (c) Sweeping or an equivalent control measure must be performed at least once each week in areas where cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed.
- (d) Periodic Inspections. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.2. of this general permit, but inspections must be conducted at least once per month.

4. Additional SWP3 Requirements

- (a) The permittee shall document in the SWP3 the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.
- (b) Non-stormwater discharge certification. In addition to the requirements in Part III, Section B.1 related to inspection and certification of non-stormwater discharges, the SWP3 must describe the measures that will ensure that process wastewaters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are either discharged or disposed in accordance with state permitting requirements or are recycled.

5. Numeric Effluent Limitations

- (a) The following numeric effluent limitations apply to discharges resulting from the runoff of rainfall which derives from the storage of materials, including raw materials, intermediate products, finished products, and waste materials, which are used in or derived from the manufacture of cement based on guidelines from the Materials Storage Piles Runoff Subcategory (Subpart C) of the Cement Manufacturing Point Source Category (40 CFR Part 411).

These effluent limitations do not apply to Sector E facilities that are not subject to federal guidelines at 40 CFR Part 411, related to Cement Manufacturing.

Samples of stormwater discharges from cement manufacturing facilities subject to these effluent limits must be obtained before the runoff combines with other discharges that are covered under this permit. The samples must be analyzed at the frequency described below and must not exceed the following numeric effluent limitations:

Table 11. Effluent Limitations for Sector E Facilities Manufacturing Cement

Parameter	Limitations Daily Max	Monitoring Frequency
TSS	50 mg/L	1/Year
pH	6.0-9.0 S.U.	1/Year

- (b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.
- (c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:

- (1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.
- (2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ's Information Resources Division, Central File Room (MC-213) and to the appropriate TCEQ Regional Office by March 31st of the following year, as described in Part III, Section E.6. of this permit.
- (3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.
- (d) **Waiver from Numeric Effluent Limitations.** Any untreated overflow from facilities designed, constructed, and operated to treat the volume of runoff from materials storage piles that is associated with a 10-year, 24-hour rainfall event will not be subject to the pH and TSS limitations in this section.

Rainfall records are required to document events that equal or exceed a 10-year 24-hour event. The operator shall maintain, as a part of the SWP3, the following information in order to receive this waiver:

- (1) engineering design records that demonstrate structural controls are adequate to intercept, contain, and treat the volume of runoff from a 10-year, 24-hour storm event; and
- (2) records of rainfall from either a rain gauge that is located onsite or a rain gauge maintained in the immediate area of the facility.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 12. Benchmark Monitoring Requirements for Subsections in Sector E

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
3251-3259	Structural Clay Products	Aluminum, total TSS pH	1.2 mg/L 50 mg/L 6.0-9.0 S. U.
3262-3269	Pottery and Related Products	Aluminum, total TSS pH	1.2 mg/L 100 mg/L 6.0-9.0 S.U.
3271-3275	Concrete, Lime, Gypsum and Plaster Products	TSS Iron, total pH	50 mg/L 1.3 mg/L 6.0-9.0 S.U.

Section F. Sector F of Industrial Activity - Primary Metals Facilities**1. Description of Industrial Activity**

The requirements under this section apply to stormwater discharges from activities identified and described as Sector F. Sector F industrial activities are described by the following SIC codes:

SECTOR F: PRIMARY METALS*SIC Codes Descriptions of Industry Sub-sector*

3312 – 3317 Steel Works, Blast Furnaces, and Rolling and Finishing Mills

3321 – 3325 Iron and Steel Foundries

3331 – 3339 Primary Smelting and Refining of Nonferrous Metals

3341 Secondary Smelting and Refining of Nonferrous Metals

3351 – 3357 Rolling, Drawing, and Extruding of Nonferrous Metals

3363 – 3369 Nonferrous Foundries (Castings)

3398, 3399 Miscellaneous Primary Metal Products

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Description of Potential Pollutants and Sources

The inventory of exposed materials must include areas where material handling and air emissions may result in deposits of particulate matter.

3. Pollution Prevention Measures and Controls

- (a) Good Housekeeping Measures. This section of the SWP3 must include a program for cleaning and maintaining all impervious areas of the facility where dust, debris, or other particulate matter may accumulate, especially areas where material loading/unloading, storage, handling and processing occur. Areas where materials are stored, or where there is vehicular traffic, should be paved if vegetative and other stabilization methods are not practical. For areas where paving and vegetative measures are not practical, structural controls must be developed to trap and limit transport of sediment offsite. Sediment traps, filter fabric fences, and other equivalent measures may be considered.
- (b) Drainage Area Site Map. The map must identify any of the following activities that may be exposed to stormwater: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, or losses from coal and coke handling operations.
- (c) Periodic Inspections. The periodic inspections must specifically include areas of the facility that contain air pollution control equipment, such as bag houses, electrostatic precipitators, cyclones, and scrubbers for signs of degradation or improper operation. Process material handling equipment must be inspected for leaks and problems that

- (d) may result in material loss and spills. Material storage areas, such as piles or bins that contain coal, scrap, and slag, must be inspected for material loss due to wind and precipitation or runoff.

4. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 13. Benchmark Monitoring Requirements for Subsections in Sector F

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills	Aluminum, total Zinc, total TSS	1.2 mg/L 0.16 mg/L 100 mg/L
3321-3325	Iron and Steel Foundries	Aluminum, total TSS Copper, total Iron, total Zinc, total	1.2 mg/L 50 mg/L 0.030 mg/L 1.3 mg/L 0.16 mg/L
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals	Copper, total Zinc, total	0.030 mg/L 0.16 mg/L
3363-3369	Nonferrous Foundries (Castings)	Copper, total Zinc, total	0.030 mg/L 0.16 mg/L

Section G. Sector G of Industrial Activity - Metal Mining (Ore Mining and Dressing)

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector G. Sector G industrial activities are described by the following SIC codes:

SECTOR G: METAL MINING (ORE MINING AND DRESSING)

SIC Codes Descriptions of Industry Sub-sector

1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041, 1044	Gold and Silver Ores
1061	Ferro alloy Ores, Except Vanadium
1081	Metal Mining Services
1094, 1099	Miscellaneous Metal Ores

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

The requirements in this section apply to stormwater from metal mining facilities, including mines abandoned on federal lands, as identified by the SIC codes specified the table above. Coverage is required for metal mining facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product.

- (a) The stormwater discharges covered under this permit include all stormwater discharges from inactive facilities and stormwater discharges from facilities undergoing reclamation.
- (b) Stormwater discharges from the following areas of active and temporarily inactive facilities areas are authorized under this general permit:
 - (1) waste rock and overburden piles, if composed entirely of stormwater and not combined with mine drainage;
 - (2) topsoil piles;
 - (3) haul and access roads:
 - a. all off site roads;
 - b. onsite haul and access roads constructed of waste rock, overburden, or spent ore if composed entirely of stormwater and not combining with mine drainage; and
 - c. onsite haul and access roads not constructed of waste rock, overburden, or spent ore, unless mine drainage is used for dust control.
 - (4) runoff from tailings dams or dikes that are:
 - a. not constructed of waste rock or tailings, provided no process fluids are present; or
 - b. constructed of waste rock or tailings and no process fluids are present, if composed entirely of stormwater and not combining with mine drainage.
 - (5) concentration building if no contact with material piles;
 - (6) mill site if no contact with material piles;
 - (7) office or administrative building and housing if mixed with stormwater from industrial area;
 - (8) chemical storage;
 - (9) docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
 - (10) explosives storage;
 - (11) fuel storage;
 - (12) vehicle and equipment maintenance;
 - (13) parking areas, if necessary;
 - (14) power plant, except that steam electric power plants are regulated as collocated activities in Part V, Section O;

- (15) truck wash areas (if no excessive contact with waste product that would otherwise constitute mine drainage);
- (16) un-reclaimed, disturbed areas outside of the active mining area(s);
- (17) reclaimed areas released from reclamation requirements prior to December 17, 1990; and
- (18) partially or inadequately reclaimed areas or areas not meeting reclamation requirements.

3. Definitions

The following definitions apply only to Section G of this general permit:

Active metal mining facility. A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR §440.132(a).

Active phase. Activities including the extraction, removal or recovery of metal ore. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR §440.132(a). The active phase is considered part of “mining operations.”

Exploration phase. Entails exploration and land disturbance activities to determine the viability of a site. The exploration phase is not considered part of “mining operations.”

Final Stabilization. All soil disturbing activities at the site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. Alternatively, for arid, semi-arid, and drought stricken areas only, final stabilization means that all soil disturbing activities at the site have been completed and both of the following criteria have been met: temporary erosion control measures are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator; and the temporary erosion control measures are selected, designed, and installed to achieve 70% vegetative coverage within three years.

Inactive metal mining facility. A site or portion of a site with an identifiable operator, where metal mining or milling occurred in the past but is not an active facility as defined above, where the inactive portion is not covered by an active mining permit, and where the reclamation phase has not been completed.

Mining operations. Consists of the active mining, inactive mining, temporarily inactive mining, and reclamation phases, but excludes the exploration and construction phases.

Reclamation phase. Activities undertaken to return the land to an appropriate post-mining land use prior to termination of permit coverage.

Temporarily inactive metal mining facility. A site or portion of a site where metal mining or milling occurred in the past and is not currently being actively undertaken, and where the facility is covered by an active mining permit.

4. Limitations on Permit Coverage

- (a) **Prohibition on Certain Stormwater Discharges.** Discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440) are not authorized under this general permit.

Stormwater from active metal mining facilities is only subject to 40 CFR Part 440 (and therefore not eligible for coverage under this permit) if it commingles with other discharges that are subject to 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they:

- (1) drain naturally (or are intentionally diverted) to a point source; and
- (2) combine with "mine drainage" that is otherwise regulated under the 40 CFR Part 440.

Such sources may obtain coverage under this general permit if the discharge is composed entirely of stormwater, does not commingle with other sources of mine drainage that are not subject to 40 CFR Part 440, and meets the other eligibility criteria contained in the general permit.

- (b) **Prohibition on Non-Stormwater Discharges.** The following discharges are not authorized by this general permit: process generated wastewater, including but not limited to truck wash water, adit drainage (e.g., drainage from mine passageways or tunnels), contaminated springs, and seeps discharging from waste rock dumps that do not directly result from precipitation events from active, temporarily inactive, and inactive mines.
- (c) **Authorization Not Required.** Stormwater from sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require authorization.

5. Additional SWP3 Requirements

In addition to the requirements of Part III, Section A of this general permit, the following is required:

- (a) **Inventory of Exposed Materials.** This section of the SWP3 must contain a summary of any existing ore, waste rock, and overburden characterization data. The summary must include results of all testing for acid rock generation potential. The inventory and the SWP3 must be updated if the characterization is updated due to a change in the type of ore mined. For inactive metal mining facilities the inventory must identify any significant materials that remain at the facility and include any available characterization data of the material.
- (b) **Narrative Description.** For inactive metal mining facilities, this section of the SWP3 must include a description of the mining and associated activities that took place at the site. The description must define the dates of operation, total acreage within the mine, total acreage within the processing area, an estimate of the acres of remaining disturbed area, and any current activities at the site (e.g. reclamation).
- (c) **Site Map.** A topographic site map (or maps) must be developed to indicate mining or milling site boundaries; access and haul roads; equipment storage, fueling, and

maintenance areas; an outline of the overburden, materials, soils, tailings or wastes storage areas; points of discharge from the property of mine drainage or any other process wastewater, a depiction of the discharge route, and a listing of the type of wastewater; location of existing and proposed tailings piles and ponds; heap leach pads; locations of springs, streams, wetlands, and other surface waters; and boundaries of tributary areas that are subject to effluent limitations and guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

- (d) **Management of Runoff with Structural Controls.** The elimination of a contaminant source through capping of the source may be the most effective control measure. Where capping is used, the source being capped must be identified and the materials and procedures used to cap the source must be described within the SWP3.
- (e) **Inactive and Unstaffed Sites.** Subject to the following conditions, if the facility is inactive and unstaffed, the permittee is not required to conduct quarterly visual assessments and routine facility inspections. Waivers are not given for exception from conducting the comprehensive site inspection. Permittees are encouraged to inspect their site more frequently where there is reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.
 - (1) If circumstances change and the facility becomes active or staffed, this exception no longer applies and the permittee must immediately begin complying with the quarterly visual assessment requirements; and
 - (2) The TCEQ retains the authority to revoke this exemption or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

6. Benchmark Monitoring Requirements

- (a) Active copper ore mining or dressing facilities must conduct benchmark monitoring according to the standard benchmark monitoring requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 14. Benchmark Monitoring Requirements for Sector G

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
1021	Copper Ores	COD TSS Nitrate + Nitrite N	60 mg/L 100 mg/L 0.68 mg/L

- (b) All stormwater discharges from waste rock and overburden piles, resulting from active ore mining or dressing operations included in Sector G, must collect one benchmark monitoring sample according to the requirements in Part IV of this general permit for the following pollutants. For parameters measured above the benchmark value, monitoring must be continued throughout the term of the permit.

Table 15. Benchmark Monitoring Requirements for Sector G

SIC Codes and Description of Industrial Activity	Parameter	Benchmark Monitoring Cutoff Concentration
1011- Iron Ores; 1021- Copper Ores; 1031- Lead and Zinc Ores; 1041, 1044 - Gold and Silver Ores; 1061- Ferroalloy Ores, Except Vanadium; 1081- Metal Mining Services 1094, 1099 - Miscellaneous Metal Ores	TSS	100 mg/L
	Turbidity	5 NTUs above background
	pH	6.0-9.0 S.U.
	Total Antimony	0.636 mg/L
	Total Arsenic	0.17 mg/ L
	Total Beryllium	0.13 mg/L
	Total Cadmium	0.0010 mg/ L
	Total Copper	0.030 mg/ L
	Total Iron	1.3 mg/L
	Total Lead	0.010 mg/ L
	Total Manganese	1.0 mg/L
	Total Mercury	0.0019 mg/L
	Total Nickel	1.417 mg/L
	Total Selenium	0.05 mg/L
	Total Silver	0.0318 mg/L
	Total Zinc	0.16 mg/L

- (c) In addition to other required monitoring for discharges from waste rock and overburden piles, the permittee shall also conduct monitoring for additional pollutants as follows based on the type of ore mined at the site. Where a pollutant in the table below is the same as a pollutant required to be monitored in the table above (i.e., for all of the metals) the permittee shall use the corresponding benchmark value from the table above; otherwise, no benchmark levels apply.

The monitoring results conducted for the benchmark monitoring requirements for discharges from Waste Rock and Overburden Piles at active Metal Mining Facilities (section above) may be used to satisfy the monitoring requirement for the pollutant for this section. There are no applicable benchmarks for Radium and uranium in the table above. The frequency and schedule for monitoring the additional parameters, in the table below, is the same as that specified in Part IV of this permit.

Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles.

Table 16. Requirements for Waste Rocks and Overburden Piles

Type of Ore Mined	Parameter
Tungsten Ore	pH, TSS, Total Arsenic, Total Cadmium, Total Copper, Total Lead, Total Zinc
Nickel Ore	pH, TSS, Total Arsenic, Total Cadmium, Total Copper, Total Lead Total Zinc
Aluminum Ore	pH, TSS, Total Iron
Mercury Ore	pH, TSS, Total Nickel
Iron Ore	pH, TSS, Dissolved Iron
Platinum Ore	Total Cadmium, Total Copper, Total Mercury, Total Lead, Total Zinc

Titanium Ore	pH, TSS, Total Iron, Total Nickel, Total Zinc
Vanadium Ore	pH, TSS, Total Arsenic, Total Cadmium, Total Copper, Total Lead, Total Zinc
Molybdenum	pH, TSS, Total Arsenic, Total Cadmium, Total Copper, Total Lead, Total Mercury, Total Zinc
Uranium, Radium, and Vanadium Ore	pH, TSS, Chemical Oxygen Demand, Total Arsenic, Total Radium, Dissolved Radium, Total Uranium, Total Zinc

7. Termination of Permit Coverage

(a) Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.

A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined above in section 3.

(b) Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.

A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if:

- (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards;
- (2) soil disturbing activities related to mining at the sites or portion of the site have been completed;
- (3) the site or portion of the site has been stabilized to minimize soil erosion; and
- (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been re-vegetated, will be amenable to natural re-vegetation, or will be left in a condition consistent with the post-mining land use.

Section H. Sector H of Industrial Activity - Coal Mines and Coal Mining Related Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector H. Sector H industrial activities are described by the following SIC codes:

SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES

SIC Codes Description of Industry Sub-sector

1221 Bituminous Coal and Lignite Surface Mining

1222	Bituminous Coal Underground Mining
1231	Anthracite Mining
1241	Coal Mining Services

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

The requirements of Section H apply to stormwater discharges from the following areas of facilities identified by the SIC Codes specified in the table above, except that discharges regulated under 40 CFR Part 434 are not covered under this permit:

- (a) haul roads;
- (b) access roads;
- (c) railroad spurs, sidings, and internal lines used to transport coal;
- (d) areas around conveyor belts, chutes, and trams that convey coal;
- (e) equipment storage and maintenance areas;
- (f) coal handling areas, including buildings and structures;
- (g) waste disposal areas;
- (h) inactive coal mines where the performance bond has been released; and
- (i) related areas where coal mining/processing activities take place.

3. Definitions

The following definitions apply only to Section H of this general permit:

Active coal mining facility. A place where work or other activity related to the extraction, removal, or recovery of coal is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR §434.11(b).

Active phase. Activities including the extraction, removal or recovery of coal. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR §434.11(b). The active phase is considered part of “mining operations.”

Bond Release. The time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed. Phase Two completion is that point in the reclamation process where the property has been re-contoured and replanted but prior to final bond release.

Exploration phase. Entails exploration and land disturbance activities to determine the viability of a site. The exploration phase is not considered part of “mining operations.”

Final Stabilization. All soil disturbing activities at the site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent (%) of the native background vegetative cover for the area has been

established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. Alternatively, for arid, semi-arid, and drought stricken areas only, final stabilization means that all soil disturbing activities at the site have been completed and both of the following criteria have been met: Temporary erosion control measures are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator; and The temporary erosion control measures are selected, designed, and installed to achieve 70 % vegetative coverage within three years.

Inactive coal mining facility. A site or portion of a site, with an identifiable operator, where coal mining or milling occurred in the past but is not an active facility as defined above, where the inactive portion is not covered by an active mining permit and where the reclamation has not been completed.

Mining operation. Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

Reclamation phase. Activities undertaken to return the land to an appropriate post-mining land use prior to termination of permit coverage.

Temporarily inactive coal mining facility. A site or portion of a site where coal mining or milling occurred in the past but is not an active facility as defined above, where the inactive portion is not covered by an active mining permit, and where the reclamation phase has not been completed.

4. Limitations on Permit Coverage

The following discharges are not eligible for coverage under this general permit:

- (a) discharges from coal mining activities subject to effluent limitation guidelines for the Coal Mining Point Source Category (40 CFR Part 434);
- (b) seeps and underground drainage from inactive coal mines and refuse disposal areas that may constitute dry-weather flows and do not occur as a direct result of precipitation or runoff; and
- (c) discharges from floor drains in maintenance buildings and similar drains in mining and preparation plant areas.

Reclaimed areas of a mine, where the performance bond has been released, are no longer considered industrial activity. Stormwater discharges from those areas are not required to be authorized under the TPDES program.

5. Additional SWP3 Requirements

The following requirements apply to all Sector H facilities:

- (a) Site Map. Document where any of the following that are covered under this general permit and that may be exposed to stormwater: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; inactive mines and related areas; acidic spoil, refuse, or un-reclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.
- (b) Potential Pollutant Sources.

- (1) The SWP3 must document the following sources and activities that have potential pollutants associated with them:
 - a. truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation;
 - b. fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.
- (2) In the summary of potential pollutant sources, the SWP3 must document areas at the facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released.

For each area identified, the description must include:

- a. a list of the industrial activities exposed to stormwater;
 - b. a list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity, that includes all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date that the SWP3 was prepared or amended;
 - c. a list of the areas at the site where potential spills and leaks could occur that could contribute pollutants to stormwater, and the corresponding outfall(s) that would be affected by such spills and leaks. All significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date that the SWP3 was prepared or amended, must be documented; and
 - d. The location of any storage piles containing salt used for deicing or other commercial or industrial purposes.
- (c) Erosion Control Measures. Erosion, siltation, dust, and other pollutant control regulations administered by the Railroad Commission of Texas or TCEQ must either be included as components of this section of the SWP3, or incorporated by reference. The permittee shall minimize disturbed areas and preserve vegetated areas to the maximum extent practicable. The SWP3 must include the following at a minimum:
- (1) Stabilization Measures. Temporary and permanent stabilization measures must be employed to minimize erosion. These may include: maintaining existing native vegetative cover; seeding for temporary or permanent cover; temporary mulching, matting, or netting; sodding; soil binding; using non-acid material for road surfacing; planting trees; and preserving existing trees.
 - (2) Structural Measures. Such as silt fences; earthen dikes; straw bales; graded terraces; pipe slope drains; porous rock check drains; sedimentation ponds; vegetated drainage swales; capping of contaminant sources; and physical or chemical treatment of stormwater.
- (d) Preventive Maintenance. Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections. Operators must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters.

(e) **Additional Inspection Requirements**

- (1) **Inspections of Active Mining-Related Areas.** Except for areas of the site subject to clearing, grading, or excavation activities conducted as part of the exploration and construction phase, the permittee shall perform quarterly inspections of active mining areas covered by this permit.
- (2) **Comprehensive site inspections** must be conducted by qualified personnel with at least one member of the stormwater pollution prevention team participating in the comprehensive site inspections. Comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWP3 as potential pollutant sources where industrial materials or activities are exposed to stormwater and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected in accordance with this permit.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 17. Benchmark Monitoring Requirements for Subsections in Sector H

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
1221-1241	Coal Mines and Coal Mining-Related Facilities	TSS Aluminum, total Iron, total	50 mg/L 1.2 mg/L 1.3 mg/L

7. Inactive and Unstaffed Sites

If the permittee operates an inactive and unstaffed Sector H facility (including temporarily inactive and unstaffed sites), the permittee may waive the routine inspection, quarterly visual assessment and benchmark monitoring requirements. The permittee is conditionally exempt from the requirement to certify that there are no industrial materials or activities exposed to stormwater, provided that all of the following conditions are met:

- (a) if circumstances change and the facility becomes active or staffed, this exemption no longer applies and the operator must immediately begin complying with the applicable benchmark monitoring requirements as if they were in their first year of permit coverage, as well as the quarterly visual assessment requirements; and
- (b) the discharge does not cause, have a reasonable potential to cause, or contribute to a violation of applicable water quality standards.

Subject to the two conditions above, if a Sector H facility is inactive and unstaffed, the operator is waived from the requirement to conduct quarterly visual assessments and routine facility inspections. Inactive industrial facilities must continue to conduct comprehensive site compliance inspections on at least an annual basis as described in Part III, Section B.5 of this permit. Inactive Sector H facilities may not obtain a waiver from comprehensive site compliance inspections.

8. Termination of Permit Coverage

- (a) **Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.** A site or a portion of a site that has been released from applicable state or federal reclamation

requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in the following:

- (b) Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if:
 - (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards;
 - (2) soil disturbing activities related to mining at the sites or portion of the site have been completed;
 - (3) the site or portion of the site has been stabilized to minimize soil erosion; and
 - (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been re-vegetated, will be amenable to natural re-vegetation, or will be left in a condition consistent with the post-mining land use.

Section I. Sector I of Industrial Activity - Oil and Gas Extraction Facilities

1. Description of Industrial Activity

Sector I facilities include facilities with activities directly related to oil and gas exploration, production, processing, or treatment operations; oil and gas transmission facilities prior to refining; and to oil and gas field service operations.

SECTOR I: OIL AND GAS EXTRACTION FACILITIES

SIC Codes Description of Industry Sub-sector

Industrial Activities Regulated under the EPA's NPDES Program:

- 1311 Crude Petroleum and Natural Gas
- 1321 Natural Gas Liquids
- 1381, 1382 Drilling Oil and Gas Wells; and Oil and Gas Field Exploration Services
- 1389 Oil and Gas Field Services, Not Elsewhere Classified, that occur in the field (excluding oil field service company operations noted below.)

Industrial Activities Regulated under this General Permit:

- 1389 Oil and Gas Field Services, Not Elsewhere Classified, at a company headquarters, local offices, or at oil field service company "home base" that conduct only administrative and support activities for oil and gas field services that occur in the field.

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

- (a) **Agency Jurisdiction.** The requirements in Subpart I apply to stormwater discharges associated with industrial activity from oil and gas extraction facilities that are under the jurisdiction of the TCEQ, as identified by the SIC Codes specified in the table above. Specifically, this general permit only provides coverage for facilities described by SIC Code 1389 that occur at the service company headquarters, permanent offices, or similar bases of operations where this industrial activity may occur. This may include non-contiguous facilities, but excludes all activities that occur at a well site or that are regulated by the U.S. EPA or the Texas Railroad Commission.

All of the other facilities with SIC codes listed above are not under the jurisdiction of the TCEQ and must obtain stormwater permit coverage from the U.S. EPA or the Texas Railroad Commission (RRC) as applicable.

- (b) **Contaminated Stormwater.** Facilities that are regulated under this general permit are only required to obtain permit coverage for contaminated stormwater. For the purposes of this section, contaminated stormwater is defined as stormwater runoff from a facility described by SIC Code 1389 that functions as a company headquarters, permanent office, or similar base of operations, and that has had one or more releases of a reportable quantity in stormwater for which notification has been required any time since November 16, 1987. For reportable quantity rules, see 30 TAC 327.

3. Limitations on Permit Coverage

- (a) **Non-contaminated Stormwater.** Facilities regulated under this general permit are not required to obtain authorization if the facility has not had a release of a reportable quantity in stormwater for which notification has been required any time since November 16, 1987.
- (b) **Stormwater Regulated by U.S. EPA.**
- (1) Coverage under this general permit is limited to oil and gas field service companies described by SIC code 1389 that occur at the company headquarters, permanent office, or similar base of operations. The requirements of this general permit are specific to those operations. Any facility described by an SIC code listed in the table above that is not covered by the TCEQ must obtain coverage as required from the U.S. EPA and the Texas RRC.
 - (2) General permit coverage for other stormwater discharges associated with industrial activity described by Sector I are not eligible for coverage under this general permit, and coverage must be obtained, as required, from the U.S. EPA and / or the Texas RRC.
- (c) **Wash Water.** Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit and such wash water discharges must be authorized under a separate TPDES permit, discharged to a sanitary sewer in accordance with applicable requirements, or disposed by an alternate authorized means.

4. Additional SWP3 Requirements

- (a) **Drainage Area Site Map.** The SWP3 must include the following information, in addition to what is required in Part III of this permit: location(s) of any reportable quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; and chemical mixing areas.

- (b) **Potential Pollutant Sources.** The SWP3 must document the following sources and activities, in addition to those already required in Part III of this general permit:
- (1) chemical, cement, mud, or gel mixing activities,
 - (2) equipment cleaning and rehabilitation activities,
 - (3) information about the reportable quantity (RQ) release(s) that triggered the permit application requirements:
 - a. nature of the release (e.g., spill of oil from a drum storage area),
 - b. amount of oil or hazardous substance released,
 - c. amount of substance recovered,
 - d. date of the release,
 - e. cause of the release,
 - f. area(s) affected by the release,
 - g. procedure to clean up release,
 - h. actions or procedures implemented to prevent or improve response to a release, and
 - i. remaining potential contamination of stormwater from release.
 - (4) A "Summary of Potential Pollutant Sources." The permittee shall document areas at their facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released.

Section J. Sector J of Industrial Activity - Mineral Mining and Processing Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector J. Sector J industrial activities are described by the following SIC codes:

SECTOR J: MINERAL MINING AND PROCESSING FACILITIES

SIC Codes Description of Industry Sub-sector

1411 Dimension Stone

1422 – 1429 Crushed and Broken Stone, Including Rip Rap

1442, 1446 Sand and Gravel Mining

1455, 1459 Clay, Ceramic, and Refractory Materials

1474 – 1479 Chemical and Fertilizer Mineral Mining

1481 Nonmetallic Minerals, Except Fuels

1499 Miscellaneous Nonmetallic Minerals, Except Fuels

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Discharges

The requirements in Section J apply to stormwater discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J above. These include stormwater discharges and mine dewatering discharges that consist solely of stormwater and non-contaminated groundwater seepage from inactive, active, and temporarily inactive facilities; and from sites undergoing reclamation.

3. Definitions

The following definitions apply only to Section J of this general permit:

Active Mineral Mining Facility. A place where work or other activity related to the extraction, removal, or recovery of minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR §440.132(a), related to Ore Mining and Dressing Point Source Category.

Active phase. Activities including the extraction, removal, or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR §440.132(a), related to Ore Mining and Dressing Point Source Category. The active phase is considered part of mining operations.

Aggregates. Any commonly recognized construction material originating from a quarry or pit by the disturbance of the surface, including dirt, soil, rock asphalt, granite, gravel, gypsum, marble, sand, stone, caliche, limestone, dolomite, rock, riprap, or other non-mineral substance. The term does not include clay or shale mined for use in manufacturing structural clay products.

Exploration phase. Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of mining operations.

Inactive Mineral Mining Facility. A site or portion of a site, with an identifiable operator, where mineral mining or milling occurred in the past but is not an active facility as defined above, where the inactive portion is not covered by an active mining permit, and where the reclamation phase has not been completed.

Mine Dewatering. (From 40 CFR §436.21) any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the facilities must be deemed discharges of process generated waste water.

Mining operations. Includes the active mining, inactive mining, the temporarily inactive mining, and the reclamation phases, but excludes the exploration and construction phases.

Quarry. The site from which aggregates for commercial sale are being or have been removed or extracted from the earth to form a pit, including the entire excavation, stripped areas, haulage ramps, and the immediately adjacent land on which the plant processing the raw materials is located. The term does not include any land owned or leased by the operator not being currently used in the production of aggregates for commercial sale or an excavation to mine clay or shale for use in manufacturing structural clay products.

Temporarily Inactive Mineral Mining Facility. A site or portion of a site where mineral mining or milling occurred in the past and is not currently being actively undertaken, and where the facility is covered by an active mining permit.

Non-contaminated. Free from the presence of pollutants attributable to industrial activity.

4. Annual Comprehensive Site Compliance Evaluation

The SWP3 must be revised to reflect the findings of the annual comprehensive site compliance evaluation within a maximum of 12 weeks following completion of the evaluation for inactive mining facilities.

5. Limitations on Permit Coverage

- (a) This general permit does not authorize the discharge of stormwater runoff described in the Texas Water Code, §26.553 (related to certain quarries located in the John Graves Scenic Riverway, in the Brazos River Basin), where TCEQ rules require coverage under an individual permit or alternative general permit. These facilities must obtain coverage under an alternative TPDES permit as described in applicable TCEQ rules.
- (b) This permit does not authorize discharges from facilities described under the federal effluent limitations guidelines in 40 CFR Part 436 (Mineral Mining and Processing Point Source Category), except that stormwater and non-contaminated groundwater seepage from sand, gravel, and crushed stone mining operations described in this rule may be discharged, as described in section J.2. above and section J.6. below.
- (c) Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require a permit for stormwater discharges associated with industrial activity.

6. Numeric Effluent Limitations

Applicable to Sector J facilities discharging stormwater and mine dewatering consisting solely of stormwater and non-contaminated groundwater seepage from the following sand, gravel, and crushed stone mining operations that are subject to federal effluent limits. The following SIC codes are subject to numeric effluent limits for mine dewatering: 1422 – 1429 (Crushed Stone), 1442 (Construction Sand and Gravel), and 1446 (Industrial Sand).

- (a) Construction Sand and Gravel (SIC 1442), Industrial Sand (SIC 1446), and Crushed Stone (SIC 1422 – 1429). The following numeric effluent limitations, based on guidelines for mine dewatering from the Mineral Mining and Processing Point Source Category (40 CFR Part 436), apply to mine dewatering operations (discharges from the mine pit of accumulated stormwater and non-contaminated groundwater seepage) at construction sand and gravel, industrial sand, or crushed stone mining facilities. Samples of these discharges must be obtained before the runoff combines with other stormwater runoff, analyzed, and must not exceed the following numeric effluent limitations:
 - (1) For mine dewatering discharges from facilities regulated under 40 CFR Part 436, Subpart B (Crushed Stone Subcategory) and Subpart C (Construction Sand and Gravel Subcategory), the following effluent limits apply:

Table 18. Numeric Effluent Limitations for Sector J Facilities Regulated under 40 CFR Subpart B and Subpart C

Parameter	Limitations Daily Avg.	Limitations Daily Max.	Monitoring Frequency
pH	6.0-9.0 S.U.	6.0-9.0 S.U.	1/Year

- (2) For mine dewatering discharges from facilities regulated by 40 CFR Part 436, Subpart D (Industrial Sand Subcategory), the following effluent limits apply:

Table 3. Numeric Effluent Limitations for Sector J Facilities Regulated under 40 CFR Subpart D

Parameter	Limitations Daily Avg.	Limitations Daily Max.	Monitoring Frequency
TSS	25 mg/L	45 mg/L	1/Year
pH	6.0-9.0 S.U.	6.0-9.0 S.U.	1/Year

These limitations do not apply to Sector J facilities that are not subject to federal guidelines at 40 CFR Part 436.

- (b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.
- (c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:
- (1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.
 - (2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ's Information Resources Division, Central File Room (MC-213) and to the appropriate TCEQ Regional Office by March 31st of the following year, as described in Part III, Section E.6. of this permit.
 - (3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.
- (d) Waivers from Numeric Effluent Limitations. Numeric effluent limitations for mine dewatering do not apply to discharges that overflow from structural control facilities that are designed, constructed, and maintained to contain or treat the volume of mine dewatering wastewater that would result from a 10-year, 24-hour storm event. The permittee shall maintain, as a part of the SWP3, the following information in order to receive this waiver: engineering design records that demonstrate structural controls are adequate to intercept, contain, and treat the volume of runoff from a 10-year, 24-hour storm event; and records of rainfall from either a rain gauge that is located onsite or a rain gauge maintained in the immediate area of the site. Rainfall records are only required to document events that equal or exceed a 10-year, 24-hour event.

7. Benchmark Monitoring Requirements

The following subsectors must conduct benchmark monitoring on discharges of stormwater associated with industrial activities according to the requirements in Part IV of this general permit.

Table 20. Benchmark Monitoring Requirements for Subsections in Sector J

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
1411 1422-1429 1481	Dimension Stone Crushed and Broken Stone, Incl. Rip Rap Nonmetallic Minerals, Except Fuels	TSS pH	50 mg/L 6.0-9.0 S.U.
1442,1446	Sand and Gravel Mining	Nitrate + Nitrite N TSS	0.68 mg/L 50 mg/L

8. Mining Related Non-Stormwater Discharges

Certification of Discharge Testing. The permittee shall test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-stormwater discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). The SWP3 must include information on the discharge from each outfall.

9. Additional SWP3 Requirements

- (a) **Employee Training.** The permittee shall conduct employee training at least once per year at active and temporarily inactive sites.

Training must be conducted for all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of the Pollution Prevention Team. Training must cover the specific control measures used to achieve the requirements in this section, plus the monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit.

- (b) The following requirements are required to be in the SWP3 for active mineral mining facilities, temporarily inactive mineral mining facilities, and sites being returned or transitioned into an appropriate post mining use, and are in addition to the requirements listed in Part III of this general permit. These requirements are not applicable to inactive mineral mining facilities. (also see Part V, Section J.10. below)
- (1) A description of the nature of the industrial activities at the facility;
 - (2) A map showing the general location of the facility and all surface waters for receiving discharges authorized under this general permit; and
 - (3) A site map showing:
 - a. the size of the property in acres;
 - b. the location and extent of significant structures and impervious surfaces;
 - c. locations of all existing structural control measures;

- d. locations of all of the immediate receiving, with an indication whether any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
- e. locations of all stormwater conveyances including ditches, pipes, and swales;
- f. locations of all stormwater monitoring points;
- g. locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 001, 002, etc), indicating if one or more outfalls is being treated as “substantially similar” in accordance with Part III, Section D.2.(b) of this general permit, and an approximate outline of the areas draining to each outfall;
- h. locations and descriptions of all non-stormwater discharges identified under Part V, Section J.8.
- i. locations of the following activities where such activities are exposed to stormwater:
 - (i) fueling and maintenance areas;
 - (ii) locations used for the treatment, storage, or disposal of wastes;
 - (iii) liquid storage tanks;
 - (iv) immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - (v) transfer areas for substances in bulk; and machinery; and
 - (vi) locations and sources of runoff to the facility from adjacent property that contains significant quantities of pollutants.
- (c) Potential Pollutant Sources. For each area of the mine or mill site, including onsite and offsite haul and access roads, where stormwater discharges associated with industrial activities occur, the permittee shall document in the SWP3 the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts.

10. Inactive and Unstaffed Sites – Monitoring Waivers

Conditional exemption from routine inspections, quarterly visual assessments, and benchmark monitoring:

A permitted operator of an inactive and unstaffed Sector J facility, including temporarily inactive and unstaffed sites may be waived from the routine inspection, quarterly visual assessment and benchmark monitoring requirements. These permittees are conditionally exempt from the requirement to certify that there are no industrial materials or activities exposed to stormwater, provided that all of the following conditions are met:

- (a) If circumstances change and the facility becomes active or staffed, this exemption no longer applies and the operator must immediately begin complying with the applicable benchmark monitoring requirements as if they were in their first year of permit coverage, as well as the quarterly visual assessment requirements; and
- (b) the discharge does not cause, have a reasonable potential to cause, or contribute to a violation of applicable water quality standards.

Subject to the two conditions above, if a Sector J facility is inactive and unstaffed, the operator is waived from the requirement to conduct quarterly visual assessments, routine facility inspections, and benchmark monitoring. Inactive industrial facilities must continue to conduct comprehensive site compliance inspections on at least an annual basis as described in Part III, Section B.5 of this permit. Inactive Sector J facilities may not obtain a waiver from comprehensive site compliance inspections.

11. Termination of Permit Coverage

- (a) The permittee shall continue to meet the requirements of this general permit until authorization under the general permit is terminated. The permittee may terminate coverage by submitting an NOT in accordance with Part II.C.7 of this general permit. For the purposes of this section (Sector J), Part II.C.7.(a)(1)c. of the general permit, related to termination of coverage, means either that final stabilization of the site must be achieved or the site must be returned to an alternative post-mining use.
- (b) A site or portion of a site is considered to have achieved final stabilization or to be returned to an alternative post mining use if the permittee can demonstrate that it has accomplished either of the following two conditions, (1) or (2):
 - (1) **Final Stabilization.** To achieve final stabilization, the permittee shall insure that all of the following requirements (a through d) have been met:
 - a. Stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards.
 - b. Soil disturbing activities related to mining at the site or portion of the site have been completed.
 - c. The site or portion of the site has been stabilized to minimize soil erosion.
 - d. If appropriate depending on the type, location, or size of the site, and its potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use described in paragraph (2) below.
 - (2) **Alternative Post Mining Use:** For the purposes of this section, a permittee may submit an NOT to terminate coverage if the land has been returned to an alternative post-mining land use. For example, this may include construction pad sites and lakes.

Section K. Sector K of Industrial Activity - Hazardous Waste Treatment, Storage, and Disposal Facilities

1. Description of Industrial Activity

Sector K facilities include those facilities with activities directly related to the treatment, storage, and disposal of hazardous wastes, including those that are operating under the regulatory authority and authorization of Subtitle C of the Resource Conservation and Recovery Act (RCRA).

SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Activity Codes and Description of Industry Sub-sector

HZ Hazardous Waste Treatment, Storage, and Disposal Facilities

2. Covered Stormwater Discharges

Stormwater discharges from treatment, storage, or disposal facilities as defined under 30 TAC Chapter 335, Subchapter E (40 CFR Part 265), 30 TAC Chapter 305 (40 CFR Part 270), and 30 TAC Chapter 335, Subchapter F (40 CFR Part 264), including those operating under interim status or a permit under these rules, may obtain coverage under this general permit if other applicable requirements are met.

3. Limitations on Permit Coverage

- (a) Coverage is limited to those facilities that treat, store, or dispose of hazardous waste and are defined under 30 TAC Chapter 335, Subchapter E (40 CFR Part 265), 30 TAC Chapter 305 (40 CFR Part 270), or 30 TAC Chapter 335, Subchapter F (40 CFR Part 264), including those operating under interim status or a permit under these rules. The executive director may require an individual TPDES permit for any discharges under this sector if conditions warrant.
- (b) This section does not include generators who temporarily store hazardous waste pursuant to the requirements in 30 TAC §§335.69 (40 CFR §262.34), 335.2(d)(5), 335.41, or 335.94 (40 CFR §263.12). Based on the facility SIC code, operators of such facilities may be regulated under an alternative sector of this general permit, or may not require permit coverage.
- (c) This general permit does not authorize the discharge of landfill wastewater subject to federal effluent guidelines at 40 CFR Part 445 (Landfills Point Source Category), including, but not limited to: leachate; gas collection condensate; drained free liquids; laboratory derived wastewater; contaminated stormwater; and contact washwater from washing truck, equipment and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. The discharge or disposal of landfill wastewater subject to federal effluent guidelines at 40 CFR Part 445 must be authorized under an individual TPDES permit or other authorized means.
- (d) All facilities regulated under this general permit that treat, store, or dispose of hazardous waste must comply with all applicable rules and regulations, including 30 TAC Chapters 305 and 335.

4. Definitions

Contaminated stormwater. Stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some specific areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

Drained free liquids. Aqueous wastes drained from waste containers (e.g., drums) prior to land filling.

Landfill. A disposal facility or part of a facility where solid waste or hazardous waste is placed in or on land and that is not a pile, a land treatment facility, a surface impoundment, an injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit, as these terms are defined elsewhere in TCEQ or EPA rules.

Landfill wastewater. As defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, land filling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated stormwater, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

Leachate. Any liquid, included any suspended components in the liquid, that has percolated through or drained from solid waste or hazardous waste.

Non-contaminated stormwater. Stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, or final cover of the landfill.

5. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 21. Benchmark Monitoring Requirements for Sector K

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
HZ	Hazardous Waste Treatment, Storage, and Disposal	Ammonia-Nitrogen	1.7 mg/L
		Magnesium, total	1.4 mg/L
		COD	60 mg/L
		Arsenic, total	0.010 mg/L
		Cadmium, total	0.001 mg/L
		Cyanide, total	0.02 mg/L
		Lead, total	0.010 mg/L
		Mercury, total	0.0002mg/L
		Selenium, total	0.01 mg/L
		Silver, total	0.002 mg/L

Section L. Sector L of Industrial Activity - Landfills and Land Application Sites

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector L. Sector L industrial activities are described by the following Industrial Activity Code:

SECTOR L: LANDFILLS AND LAND APPLICATION SITES

Activity Codes and Description of Industry Sub-sector

LF -Landfills, Land Application Sites, and Open Dumps that Receive or Have Previously Received Industrial Waste, including sites subject to regulation under Subtitle D of the Resource Conservation and Recovery Act (RCRA).

2. Definitions

The following definitions apply only to Section L of this general permit:

Contaminated Stormwater. Stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

Drained Free Liquid. Aqueous wastes drained from waste containers (e.g., drums) prior to land filling.

Final Stabilization. For the purpose of this permit, includes all requirements needed to achieve final regulatory closure of the site.

Inactive Landfill. A facility that no longer receives waste and has completed closure according to all applicable federal, state, and local requirements, but where an authorization under this general permit is maintained.

Industrial Waste. Solid waste from manufacturing portions of industrial activities defined in this general permit.

Landfill. A solid waste management unit where solid waste is placed in or on land and that is not a pile, a land treatment unit, a surface impoundment, an injection well, a salt dome formation, an underground mine, a cave, or a corrective action management unit.

Landfill Wastewater. As defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, land filling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory-derived wastewater, contaminated stormwater, and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

Land Application Site, or Land Treatment Facility. For the purpose of this permit, a facility or part of a facility at which solid waste is applied onto or incorporated into the soil surface and that is not a corrective action management unit; such facilities are disposal facilities if the waste will remain after closure.

Leachate. Liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

Municipal Solid Waste (MSW). Solid waste, resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

Municipal Solid Waste Facility. All contiguous land, structures, other appurtenances, and improvements on the land used for processing, storing, or disposing of solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units, e.g., one or more landfills, surface impoundments, or combinations of them.

Municipal Solid Waste Landfill Unit. A discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR §257.2. A municipal solid waste (MSW) landfill unit also may receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes, such as commercial solid waste, nonhazardous

sludge, conditionally exempt small-quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. An MSW landfill unit may be a new MSW landfill unit, an existing MSW landfill unit, a vertical expansion, or a lateral expansion.

Non-Contaminated Stormwater. Stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, intact daily cover, or final cover of the landfill.

Open Dump. A facility for the disposal of solid waste that is not otherwise defined in this section.

Temporary Stabilization. A condition where exposed soils or disturbed areas are provided a protective cover, which may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place.

3. Covered Stormwater Discharges

- (a) This permit authorizes the discharge of non-contaminated stormwater and uncontaminated groundwater associated with waste disposal at landfills, land application sites, and open dumps that receive or have received solid waste from an industrial activity covered under this general permit, including sites subject to regulation under Subtitle D of RCRA.
- (b) Landfill activities include the construction of new landfill cells that take place as part of normal landfill operations. This permit does not cover stormwater discharges from the initial construction of the landfill.
- (c) Stormwater discharges from sites where wastewater or sludge is land applied is not required to be permitted, provided that the disposal site is properly permitted by the TCEQ or the EPA, and that stormwater runoff from the disposal site does not contact the wastewater or sludge.

4. Limitations on Permit Coverage

- (a) This general permit does not authorize the discharge of landfill wastewater subject to federal effluent guidelines at 40 CFR Part 445 (Landfills Point Source Category), including: leachate; gas collection condensate; drained free liquids; laboratory derived wastewater; contaminated stormwater; and contact wash water from washing truck, equipment and railcar exteriors. The discharge or disposal of landfill wastewater must be authorized under an individual TPDES permit or other authorized means.
- (b) Non-contaminated stormwater discharges from any landfill; land application site; or open dump that does not receive or has not received any solid waste from industrial activities regulated under this permit does not require authorization under this permit.
- (c) Closed Landfills. Permit Coverage is not required where a site has achieved final regulatory closure with respect to solid waste regulations, and where the entire landfill area has been filled in, re-graded, and finally stabilized. If the landfill has been closed according to TCEQ regulations (including re-grading and stabilization) and is in the regulatory post closure monitoring period, then MSGP coverage is not required as long as there is no other industrial activity occurring at the site. Industrial activity may include, but is not limited to, associated vehicles and equipment, material handling or storage areas, buildings, waste or material storage piles, and access roads.

Closed or inactive landfills that are no longer in use but that have not received closure approval from TCEQ (and hence have not begun the 30 year post closure monitoring), would still be considered industrial activities and coverage should be maintained as an inactive landfill.

- (d) All permittees regulated under this section of the general permit that generate solid waste, including municipal solid waste, shall comply with all applicable rules and regulations, including 30 TAC Chapter 330.

5. Additional SWP3 Requirements

- (a) **Maintenance Program.** The permittee shall maintain all elements of leachate collection and treatment systems in order to prevent the discharge of stormwater that has commingled with leachate, contaminated stormwater, or other landfill wastewater. The permittee shall also maintain integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), for the purpose of minimizing the effects of settlement, sinking, and erosion.
- (b) **Erosion and Sedimentation Control Measures.** The permittee shall provide temporary stabilization (for example, temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following areas and activities:
 - (1) materials stockpiled for daily, intermediate, and final cover;
 - (2) inactive areas of the landfill or open dump;
 - (3) landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and
 - (4) land application sites where waste application has been completed but final vegetation has not yet been established.
- (c) **Investigation and Certification of Non-Stormwater Discharges.** The permittee shall include leachate, vehicle wash water, and contaminated stormwater in its investigation and certification of non-stormwater discharges.
- (d) **Site Map.** The site map must depict the locations of the following:
 - (1) active and closed landfill cells or trenches;
 - (2) active and closed land application areas;
 - (3) any known leachate springs or similar uncontrolled leachate sources that could contact stormwater; and
 - (4) leachate collection and treatment systems.
- (e) **Summary of Potential Pollutant Sources.** The SWP3 must include documentation of the following activities:
 - (1) fertilizer, herbicide, and pesticide application;
 - (2) earth and soil moving;
 - (3) waste hauling and loading or unloading;
 - (4) outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas;
 - (5) exposure of active and inactive landfill and land application areas;
 - (6) uncontrolled leachate flows; and

(7) failure or leaks from leachate collection and treatment systems.

(f) Periodic Inspections.

(1) Inactive sites. For inactive landfills and land application sites, this section of the SWP3 must include inspection procedures for qualified personnel to evaluate the stabilization and structural erosion control measures, as well as the leachate collection and treatment systems.

(2) Periodic Inspection Frequency. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B. of this general permit, but inspections must be conducted at the following frequencies:

- a. for active landfills, open dumps, and land application sites, at least once every seven (7) days; alternatively, in arid areas, inspections may be conducted at least once each month; or
- b. for areas of landfill sites where landfill activities are completed and soils are finally stabilized, and for land application sites where land application has been completed, inspections must be conducted at least once every month.

(g) Erosion Control Measures. The permittee shall provide temporary stabilization of all materials that are stockpiled and stored for future use. Inactive areas of the landfill with stockpiled materials that have intermediate cover, but no final cover, must be stabilized. Inactive areas that have received final cover must be temporarily stabilized until final stabilization measures are completed. Inactive land application areas must be temporarily stabilized until final stabilization measures are completed.

(h) Records. Operators of landfills or open dumps shall keep records of the types of wastes disposed of in each cell or trench, and land application site operators shall maintain a tracking system to define the types and quantities of wastes applied within specific areas of the application site. These records must either be included in the SWP3 or be referenced and made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 22. Benchmark Monitoring Requirements for Activity Codes in Sector L

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
LF	Landfills, Land Application Sites, and Open Dumps	TSS Iron, total*	100 mg/L 1.3 mg/L

*Sampling for total iron is not required for discharges from municipal solid waste landfill areas that have been closed in accordance with 40 CFR §258.60.

Section M. Sector M of Industrial Activity - Automobile Salvage Yards**1. Description of Industrial Activity**

The requirements under this section apply to stormwater discharges from activities identified and described as Sector M. Sector M industrial activities are described by the following SIC code:

SECTOR M: AUTOMOBILE SALVAGE YARDS

SIC Codes Description of Industry Sub-sector

5015 Automobile Salvage Yards

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Additional SWP3 Requirements

- (a) Employee Training. The following areas must be addressed in the employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.
- (b) Site Map. Include the locations of the following:
 - (1) vehicle and vehicle parts storage areas;
 - (2) vehicle dismantling areas;
 - (3) vehicle and equipment fueling and maintenance areas;
 - (4) vehicle, parts, and equipment cleaning areas;
 - (5) waste treatment, storage and disposal areas; and
 - (6) areas where fluids or fuels are stored in drums, tanks, or other containers.
- (c) The SWP3 must include an assessment of the potential for each of the areas listed above to contribute pollutants to stormwater discharges from the site.
- (d) Spill Prevention and Response Measures.
 - (1) Vehicles must be inspected for leaking fluids upon arrival at the facility. Actions must be immediately taken to prevent the discharge of fluids according to specific measures established by the operator within the spill prevention and response measures section of the SWP3. Upon the arrival (or as soon after the arrival as feasible) of vehicles at the site that are intended to be dismantled, the permittee shall drain those vehicles of all fluids, or shall employ another equivalent mean to prevent spills and leaks.
 - (2) Vehicles that are stored but are not drained of fluids must be inspected for leaks at least once per quarter. These inspections may be incorporated as part of the standard periodic inspections. The spill prevention and response measures must be developed with specific guidelines for inspecting stored vehicles and measures to be taken when vehicles are identified as leaking or in danger of developing leaks. All fluids must be handled and disposed of according to all applicable state and federal regulations.
- (e) Periodic Inspections. Equipment containing oily parts, hydraulic fluids, or other fluids must be inspected for leaks during the periodic inspections.

- (f) Good Housekeeping Measures. Equipment operators shall conduct inspections of equipment on a daily basis when equipment is in use.
- (g) Employee Training Program and Employee Education. The employee training program must include training on the following operations at facilities where these activities occur or wastes are generated:
 - (1) used oil and spent solvent management;
 - (2) management of metal filings and dust from welding, grinding, and similar operations that produce metal waste; and
 - (3) lead-acid battery management.

3. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 23. Benchmark Monitoring Requirements for Subsections in sector M

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
5015	Automobile Salvage Yards	Aluminum, total TSS Iron, total Lead, total	1.2 mg/L 100 mg/L 1.3 mg/L 0.010 mg/L

Section N. Sector N of Industrial Activity - Scrap and Waste Recycling Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector N. Sector N industrial activities are described by the following SIC Code :

SECTOR N: SCRAP AND WASTE RECYCLING FACILITIES

SIC Codes Description of Industry Sub-sector

5093 Scrap and Waste Recycling Facilities (e.g., metals, paper, plastic, cardboard, glass, animal hides, used oil, antifreeze, mineral spirits, industrial solvents, computers, electronics, and other materials listed in the SIC Code Manual Under SIC 5093)

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Limitations on Permit Coverage

Stormwater discharges from storage or stockpile areas for metal turnings previously exposed to cutting oils, are only eligible for coverage if these materials are isolated from stormwater by storm resistant shelters or if the following BMPs are implemented:

- (a) dedicated containment areas are used that include a perimeter barrier to prevent stormwater runoff and runoff; containment areas and perimeter barriers are constructed of concrete, or other similar impermeable oil-resistant materials; and

- (b) if discharges only occur following treatment through an oil/water separator or similarly efficient treatment unit.

3. Additional SWP3 Requirements

(a) Requirements for Specific Facilities:

- (1) **Scrap and Waste Recycling Facilities (Non-Source Separated, Non-liquid Recyclable Materials).** The requirements below apply to facilities that receive, process, and wholesale distribute non-liquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper) and that may receive both non-recyclable and recyclable materials. These requirements do not apply to facilities that accept recyclables only from sources that are primarily non-industrial and residential.
 - a. **Inbound Recyclable and Waste Material Control Program.** The permittee shall conduct inspections of inbound recyclables and waste materials to minimize the acceptance materials that could be significant sources of pollutants.
 - b. **Scrap and Waste Material Stockpiles and Storage (Outdoor).** The permittee shall minimize the potential for stormwater to contact stockpiled materials, processed materials, and non-recyclable wastes.
 - c. **Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage).** The permittee shall minimize the potential for stormwater to contact residual cutting fluids.
 - d. **Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage).** The permittee shall minimize the potential for stormwater to contact residual liquids and particulate matter from materials stored indoors or under cover.
 - e. **Scrap and Recyclable Waste Processing Areas.** The permittee shall minimize the potential for stormwater to contact scrap processing equipment by addressing operations that generate visible amounts of particulate residue (e.g., shredding) and minimizing the contact of accumulated particulate matter and residual fluids with runoff (e.g., through good housekeeping, preventive maintenance).
 - f. **Scrap Lead-Acid Battery Program.** The permittee shall properly handle, store, and dispose of scrap lead-acid batteries, and shall segregate scrap lead-acid batteries from other scrap materials.
 - g. **Spill Prevention and Response Procedures.** The permittee shall install alarms or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, the permittee may use a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation. The permittee shall use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.
- (2) **Waste Recycling Facilities (Liquid Recyclable Materials).**
 - a. **Waste Material Storage (Indoor).** The permittee shall minimize the potential for stormwater to contact residual liquids from waste materials stored indoors.
 - b. **Waste Material Storage (Outdoor).** The permittee shall minimize the potential for stormwater to contact stored residual liquids. The SWP3 may refer to

applicable portions of other existing plans, such as SPCC plans required by 40 CFR Part 112.

- c. Trucks and Rail Car Waste Transfer Areas. The permittee shall minimize the potential for pollutants in discharges from truck and rail car loading and unloading areas, and shall include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes.
- (3) Recycling Facilities (Source-Separated Materials). The following requirements apply to facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources (e.g. local government recycling facility).
- a. Inbound Recyclable Material Control. The permittee shall minimize the chance of accepting non-recyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials.
 - b. Outdoor Storage. The permittee shall minimize exposure of recyclables to stormwater, and shall use good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas.
 - c. Indoor Storage and Material Processing. The permittee shall minimize the release of pollutants from indoor storage and processing areas.
 - d. Vehicle and Equipment Maintenance. The permittee shall establish controls to minimize pollutants in stormwater from vehicle and equipment maintenance
- (b) Drainage Area Site Map. The site map must include the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.
- (c) Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities. For any facility that is subject to Part V, Section N.3.(a)(3) above, the SWP3 must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose or recycle residual fluids.
- (d) Additional Inspection Requirements. Routine Facility Inspections must be performed once per quarter as described in Part III, Section B.2., and must include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed and that are exposed stormwater.

4. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 24. Benchmark Monitoring Requirements for Subsections in sector N

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value

5093	Scrap and Waste Recycling Facilities	Copper, total	0.030 mg/L
		Aluminum, total	1.2 mg/L
		Iron, total	1.3 mg/L
		Lead, total	0.010 mg/L
		Zinc, total	0.16 mg/L
		TSS	100 mg/L
		COD	60 mg/L

Section O. Sector O of Industrial Activity - Steam Electric Generating Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector O. Sector O industrial activities are described by the following Industrial Activity Code:

SECTOR O: STEAM ELECTRIC GENERATING FACILITIES

Activity Code and Description of Industry Sub-sector

SE - Steam Electric Power Generating Facilities

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

The requirements of this section apply to stormwater discharges from the following facilities:

- (a) Steam electric power generating facilities as defined in 40 CFR §122.26(b)(14)(vii), that use coal, natural gas, oil, nuclear energy, or other fuel to produce a steam source, including facilities regulated under 40 CFR Part 423 (Steam Electric Power Generating Point Source Category);
- (b) coal handling areas located at regulated facilities;
- (c) coal pile runoff at regulated facilities; and
- (d) dual fuel facilities that could employ a steam boiler.

3. Limitations on Permit Coverage

- (a) Non-stormwater discharges subject to effluent limitations guidelines at 40 CFR Part 423 are not eligible for coverage under this general permit.
- (b) Stormwater discharges from the following types of facilities are not required to obtain permit coverage and are not eligible for coverage under this general permit:
 - (1) ancillary facilities (for example, fleet centers and substations) that are not contiguous to a steam electric power generating facility;
 - (2) gas turbine facilities (providing the facility is not a dual-fuel facility that includes a steam boiler) and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and
 - (3) cogeneration (combined heat and power) facilities utilizing a gas turbine.

4. Additional SWP3 Requirements

- (a) **Drainage Area Site Map.** The site map must clearly identify the locations of any of the following activities or sources, if they are exposed to stormwater: storage tanks, scrap yards, and general refuse areas; areas used for short-term or long-term storage of general materials; landfills; and stock pile areas.
- (b) **Good Housekeeping Measures.** The permittee shall implement the following housekeeping measures, which must also be documented in the SWP3:
 - (1) **Fugitive Dust Emissions.** Minimize fugitive dust emissions from coal handling areas, and the tracking of coal dust offsite.
 - (2) **Minimize the potential for stormwater contamination from the following areas or activities:**
 - a. delivery vehicles arriving at the plant site;
 - b. fuel oil unloading areas;
 - c. chemical loading and unloading;
 - d. miscellaneous loading and unloading areas;
 - e. above-ground liquid storage tanks;
 - f. large bulk fuel storage tanks;
 - g. oil-bearing equipment in switchyard areas;
 - h. areas adjacent to disposal ponds or landfills; and
 - i. landfills, scrap yards, surface impoundments, open dumps, general refuse sites.
 - (3) **Spill Reduction Measures.** Implement BMPs to minimize the potential for an oil or chemical spill, or reference the appropriate part of a SPCC plan, if applicable.
 - (4) **Residue-Hauling Vehicles.** Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.
 - (5) **Ash Loading Areas.** Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.
- (c) **Additional Inspection Requirements**
 - (1) **Periodic Inspections.** In addition to the standard routine facility inspection requirements described in Part III, Section B.2. of this general permit, visual inspections must be conducted at least once per week to determine the structural integrity of above-ground storage tanks, pipelines, pumps and other related equipment. If repairs are necessary, they must be performed as expeditiously as practicable; except that repairs must be made immediately if there is a risk to water quality.
 - (2) **Comprehensive Site Compliance Evaluation.** In addition to the standard site compliance inspections described in Part III, Sections B.2. and B.5. of this general permit, personnel must inspect coal handling areas, loading/unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, disposal ponds

and landfills, maintenance areas, liquid storage tanks, and material storage areas at a minimum frequency of once per month.

5. Numeric Effluent Limitations - Applicable to Sector O Facilities Discharging Coal Pile Runoff

- (a) The following numeric effluent limitations, based on guidelines from the Steam Electric Generating Point Source Category [40 CFR §§423.12 (b)(1) and (9)] apply to any stormwater runoff from coal pile storage areas. Samples of these discharges must be obtained before the runoff combines with any other discharge, and shall be analyzed for the following pollutants. The analytical result must not exceed the following numeric effluent limitations:

Table 4. Numeric Effluent Limitations for Sector O facilities discharging Coal Pile Runoff

Parameter	Limitations Daily Max	Monitoring Frequency
TSS	50 mg/L	1/Year
pH	6.0-9.0 S.U.	1/Year

- (b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.
- (c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:
- (1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.
 - (2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ's Information Resources Division, Central File Room (MC-213) and to the appropriate TCEQ Regional Office by March 31st of the following year, as described in Part III, Section E.6. of this permit.
 - (3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.
- (d) Waivers from Numeric Effluent Limitations. Numeric effluent limitations for runoff from coal pile storage areas do not apply to discharges that overflow from structural control facilities that are designed to contain and treat runoff from a 10-year, 24-hour storm event. The permittee shall maintain, as a part of the SWP3, the following information in order to receive this waiver: engineering design records that demonstrate structural controls are adequate to intercept, contain, and treat the volume of runoff from a 10-year, 24-hour storm event; and records of rainfall from either a rain gauge that is located onsite or a rain gauge maintained in the immediate area of the site. Rainfall records are only required to document events that equal or exceed a 10-year, 24-hour event.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 26. Benchmark Monitoring Requirements for Subsections in Sector O

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
SE	Steam Electric Power Generating Facilities	Iron, total TSS	1.3 mg/L 50 mg/L

Section P. Sector P of Industrial Activity - Land Transportation and Warehousing

Land Transportation and Warehousing includes the following types of facilities: motor freight transportation facilities; passenger transportation facilities; petroleum bulk oil stations and terminals; rail transportation facilities; and United States Postal Service (USPS) transportation facilities.

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector P. Sector P industrial activities are described by the following SIC codes:

SECTOR P: LAND TRANSPORTATION AND WAREHOUSING

SIC Codes Description of Industry Sub-sector

4011, 4013 Railroad Transportation

4111 – 4173 Local and Highway Passenger Transportation

4212 – 4215 Trucking and Courier Services, Except Air

4221, 4222 Farm Product Warehousing and Storage; and Refrigerated Warehousing and Storage

4225 General Warehousing and Storage

4226 Special Warehousing and Storage, Not Elsewhere Classified

4231 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation

4311 United States Postal Service

5171 Petroleum Bulk Stations and Terminals

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

- (a) For facilities described by SIC codes listed above, except for SIC codes 4221, 4222, and 4225, permit coverage is only required for stormwater discharges from areas where the following activities are performed: vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment

cleaning. Coverage for stormwater runoff from additional areas may be obtained as described in Part V, Section P.2.(d) below.

- (b) For SIC codes 4221, 4222, and 4225, permit coverage is required for stormwater discharges from all areas of the facility. Facilities described by these SIC codes must obtain coverage by submitting an NOI, or a no exposure exclusion by submitting an NEC form, except as described in Part V, Section P.2.c. below for facilities described by SIC code 4225 only (General Warehousing and Storage) that do not have areas where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities are performed.
- (c) Facilities described by SIC code 4225 that do not have areas where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities are performed are designated for coverage under this general permit and are not required to submit an NOI for coverage. These facilities must comply only with the following permit requirements and are not subject to additional requirements that are listed in this permit:
 - (1) The facility must maintain conditions that ensure there is no exposure of industrial activities to stormwater;
 - (2) The facility operator must comply with the requirements of Part III, Section E. of this general permit, related to Standard Permit Conditions, except that the operator is not required to submit an NOI or NEC form, prepare a SWP3, or conduct analytical monitoring; and
 - (3) The site must not contain any areas that are used for vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities.

The facility operator must apply for coverage if any of the requirements listed above are not met. If the TCEQ determines that additional controls are required other than those listed above, or that there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility described by SIC code 4225 to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

- (d) Runoff from materials storage or handling areas:
 - (1) The permittee may obtain authorization to discharge stormwater under this general permit from additional areas of Sector P facilities where materials, intermediates, or products are stored or handled, and where the discharge from these areas would otherwise require authorization under a TPDES individual permit or alternative general permit. This permit does not authorize the discharge of any process wastewater from material storage or handling areas, including contaminated stormwater.
 - (2) In order to obtain coverage for any materials storage or handling areas, the permittee shall ensure that the SWP3 addresses these areas and that the SWP3 contains the following additional elements, in addition to those required in Part III of this general permit:
 - a. list of the pollutants that may be present in the material and exposed to precipitation or runoff;
 - b. an indication on the site map of all material storage and handling areas that are being included under the MSGP authorization; and

- c. description and implementation of BMPs that specifically address the material that is exposed to rainfall or runoff.
- (3) This section does not expand the definition of stormwater associated with industrial activity. If runoff from the materials storage and handling areas are not subject to TPDES wastewater permitting, then the SWP3 is not required to address these areas.

3. Limitations on Coverage

- (a) **Prohibited Discharges.** Except as allowed in Part II, Section A.6, related to non-stormwater discharges, this general permit does not authorize the discharge of wastewater resulting from washing vehicles, equipment, or other surfaces, including tank cleaning operations. These discharges must be authorized under a separate TPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, recycled on-site, or disposed by an alternate authorized means. The permittee shall keep records of the disposal authorization for this wash water (e.g., individual TPDES permit, discharge to publically-owned treatment works, or contract with hauling company).
- (b) **Storage of Crude Oil.** Discharges of stormwater from Petroleum Bulk Stations and Terminals (SIC 5171) with aboveground storage of crude oil only, are under the regulatory authority of the Railroad Commission of Texas (RRC), and are not eligible for coverage under this general permit.

Stormwater discharges from SIC 5171 facilities with aboveground storage of both crude oil and refined products that are intended for offsite use are under the jurisdiction of the TCEQ. These facilities must obtain authorization to discharge stormwater under this general permit.

This general permit does not authorize discharges of stormwater from Petroleum Bulk Stations and Terminals where crude oil is stored prior to refining and where refined products are stored solely for use at the facility. These types of facilities are under the regulatory authority of the RRC. Authorization for these discharges must be obtained through application for a NPDES permit with the EPA and authorization from the RRC, if applicable.

If circumstances arise where a portion of a site is regulated by the TCEQ, and a portion of a site is regulated by the EPA and RRC, authorization for stormwater discharges must be obtained from the TCEQ for the TCEQ-regulated portions, and from the EPA and RRC for the RRC-regulated portions of the site, including developing separate SWP3s.

4. Additional SWP3 Requirements

- (a) **Good Housekeeping Measures.** In addition to the good housekeeping SWP3 requirements in Part III, Section A.4 of this general permit, the permittee must implement the following control measures, and must document in the SWP3 the measures being used for each measure:
 - (1) **Vehicle and Equipment Storage Areas.** Minimize the potential for stormwater exposure to leaky or leak-prone vehicles or equipment that are awaiting maintenance.

- (2) **Fueling Areas.** Minimize contamination of stormwater from fueling areas.
- (3) **Material Storage Areas.** Maintain all material containers (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater and plainly label them (e.g., "Used Oil," "Spent Solvents")
- (4) **Vehicle and Equipment Maintenance and Cleaning Areas.** Minimize contamination of stormwater runoff from all areas used for vehicle and equipment maintenance or cleaning.
- (5) **Locomotive Sanding (Loading Sand for Traction) Areas.**
- (b) **Employee Training.** The permittee shall include the following information, as applicable, in its employee training: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.
- (c) **Drainage Area Site Map.** The site map must identify the following areas of the facility and indicate whether activities occurring there may be exposed to stormwater: fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.
- (d) **Potential Pollutant Sources.** The SWP3 must assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the stormwater conveyance system(s); and fueling areas.
- (e) **Spill Prevention and Response Measures.** Vehicles and equipment that are scheduled for maintenance and that have potential fluid leaks must be confined to a designated area. The Spill Prevention and Response Measures section of the SWP3 [see Part III, Section A.4.(e)] shall define specific measures to prevent spills and to confine spills within this area. This section of the SWP3 shall also define specific measures to prevent or minimize contamination of stormwater from fueling areas.
- (f) **Additional Inspection Requirements.** Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.) of this general permit and conducted at least once per quarter in the following areas:
 - (1) storage areas for vehicles and equipment awaiting maintenance;
 - (2) fueling areas;
 - (3) vehicle and equipment maintenance areas;
 - (4) material storage areas;
 - (5) vehicle/equipment cleaning areas; and
 - (6) loading/unloading areas.

Section Q. Sector Q of Industrial Activity - Water Transportation Facilities**1. Description of Industrial Activity**

The requirements under this section apply to stormwater discharges from activities identified and described as Sector Q. Sector Q industrial activities are described by the following SIC codes:

SECTOR Q: WATER TRANSPORTATION

SIC Codes Description of Industry Sub-sector

4412 – 4499 Water Transportation

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

- (a) Permit coverage is only required for stormwater discharges from areas where the following activities are performed at facilities described by the SIC codes listed above: vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning, except for retail fueling as described in paragraph 3(b) below. Coverage for stormwater runoff from additional areas of Sector Q facilities may be obtained as described in Part V, Section Q.2.(b) below.
- (b) Runoff from materials storage or handling areas.
 - (1) The permittee may obtain authorization to discharge stormwater under this general permit from additional areas of Sector Q facilities where materials, intermediates, or products are stored or handled, and where the discharge from these areas would otherwise require authorization under a TPDES individual permit or alternative general permit. This permit does not authorize the discharge of any process wastewater from material storage or handling areas, including contaminated stormwater.
 - (2) In order to obtain coverage for any materials storage or handling areas, the permittee shall ensure that the SWP3 addresses these areas and that the SWP3 contains the following additional elements, in addition to those required in Part III of this general permit:
 - a. a list of the pollutants that may be present in the material and exposed to precipitation or runoff;
 - b. an indication on the site map of all material storage and handling areas that are being included under the MSGP authorization; and
 - c. description and implementation of BMPs that specifically address the material that is exposed to rainfall or runoff.
 - (3) This section does not expand the definition of stormwater associated with industrial activity. If runoff from the materials storage and handling areas are not subject to TPDES wastewater permitting, then the SWP3 is not required to address these areas.

3. Limitations on Coverage

- (a) This permit does not authorize the discharge of process wastewater discharges associated with a dry dock activity, bilge and ballast water, sanitary wastewater, pressure wash water, and cooling water originating from vessels.
- (b) The retail sale of fuel performed at a marina without slip rental, boat storage, and other services such as cleaning and incidental repair is classified as SIC code 5541 (which includes “marine service stations – retail”). If retail fueling is the primary activity performed at the site, then permit coverage is not required. However, if a marina (SIC 4493) has a secondary SIC code of 5541, then coverage would be required for any areas of the marina where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning operations occur, other than the retail fueling operation described by SIC 5541.

4. Allowable Non-Stormwater Discharges

Boat Rinse Water. In addition to the non-stormwater discharges allowed under Part II of this general permit, boat rinse water may be discharged from water transportation facilities such as marinas, where the boat rinse water does not contain chemicals, surfactants, or elevated temperatures. Discharge from pressure washing of boats is not authorized under this general permit.

5. Additional SWP3 Requirements.

The following additional requirements must be included in the SWP3, for any areas covered under this section of the general permit.

- (a) Site Map. The site map must clearly show the locations of the following activities if the activities are exposed to precipitation or runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, and scrap iron).
- (b) Summary of Potential Pollutant Sources. The SWP3 must list the following additional sources and activities: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.).
- (c) Good Housekeeping Measures. The permittee must implement the following in addition to the good housekeeping measures described in Part III, Section A.4. of this general permit:
 - (1) Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. When necessary, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.
 - (2) Material Storage and Handling Areas. Minimize stormwater contamination from material storage and handling operations and areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility.

- (3) Engine Maintenance and Repair Areas. Minimize the potential for contamination of stormwater from all areas used for engine maintenance and repair.
- (4) Drydock Activities. Routinely maintain and clean the drydock to minimize pollutants in stormwater runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock.
- (d) Employee Training. The permittee shall include the following information, as applicable, in the employee training program: management of used oil and spent solvent, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.
- (e) Preventive Maintenance. As part of the preventive maintenance program, the permittee shall perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), and shall inspect and test facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in the discharge of pollutants in stormwater.
- (f) Additional Inspection Requirements. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B. of this general permit and conducted at least once per month in the following areas:
 - (1) pressure wash areas;
 - (2) abrasive blasting, sanding and painting areas;
 - (3) material storage or handling areas;
 - (4) engine maintenance or repair areas;
 - (5) drydock areas; and
 - (6) the general yard area.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values.

Benchmark sampling is only required for areas of Sector Q facilities where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities are performed.

Table 27. Benchmark Monitoring Requirements for Subsections in Sector Q

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
4412 - 4499	Water Transportation	Aluminum, total Iron, total Lead, total Zinc, total TSS	1.2 mg/L 1.3 mg/L 0.010 mg/L 0.16 mg/L 50 mg/L

Section R. Sector R of Industrial Activity - Ship and Boat Building or Repair Yards

1. Description of Industrial Activity

The requirements of this section apply to stormwater discharges from activities identified and described as Sector R. Sector R industrial activities are described by the following SIC codes:

SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS

SIC Codes Description of Industry Sub-sector

3731, 3732 Ship and Boat Building or Repairing Yards

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Limitations on Coverage

This permit does not authorize the discharge of process wastewater associated with a dry dock activity, bilge and ballast water, sanitary wastes, pressure wash water, or cooling water originating from vessels.

3. Allowable Non-Stormwater Discharge

No additional non-stormwater discharges are authorized other than those listed in Part II, Section A.6. of this general permit.

4. Additional SWP3 Requirements

- Site Map. The site map must clearly show the locations of the following activities if the activities are exposed to precipitation or runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, and scrap iron).
- Summary of Potential Pollutant Sources. The SWP3 must list the following additional sources and activities: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).
- Good Housekeeping Measures. The permittee must implement the following in addition to the good housekeeping measures described in Part III, Section A.4 of this general permit:

- (1) Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate TPDES permit.
 - (2) Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to discharge into the receiving water or the storm sewer system. When necessary, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.
 - (3) Material Storage and Handling Areas. Minimize stormwater contamination from material storage and handling operations and areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility.
 - (4) Engine Maintenance and Repair Areas. Minimize the potential for contamination of stormwater from all areas used for engine maintenance and repair.
 - (5) Drydock Activities. Routinely maintain and clean the drydock to minimize pollutants in stormwater runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock.
- (d) Employee Training. The permittee shall include the following information, as applicable, in the employee training program: management of used oil and spent solvent, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.
- (e) Preventive Maintenance. As part of the preventive maintenance program, the permittee shall perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), and shall inspect and test facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in the discharge of pollutants in stormwater.
- (f) Additional Inspection Requirements. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B. of this general permit and conducted at least once per month in the following areas:
- (1) pressure wash areas;
 - (2) abrasive blasting, sanding and painting areas;
 - (3) material storage or handling areas;
 - (4) engine maintenance or repair areas;
 - (5) drydock areas; and
 - (6) the general yard area.

Section S. Sector S of Industrial Activity - Air Transportation Facilities**1. Description of Industrial Activity**

The requirements of this general permit apply to stormwater discharges from activities identified and described as Sector S. Sector S industrial activities are described by the following SIC codes:

SECTOR S: AIR TRANSPORTATION*SIC Codes Description of Industry Sub-sector*

4512	Air Transportation, Scheduled
4513	Air Courier Services
4522	Air Transportation, Nonscheduled
4581	Airports, Flying Fields, and Airport Terminal Services, including aircraft maintenance and fueling

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

- (a) Permit coverage is only required for stormwater discharges from areas where the following activities are performed at facilities described by the SIC codes listed above: vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing operations. Coverage for stormwater runoff from additional areas of Sector S facilities may be obtained as described in Part V, Section S.2.(b) below.
- (b) Runoff from materials storage or handling areas.
 - (1) The permittee may obtain authorization to discharge stormwater under this general permit from additional areas of Sector S facilities where materials, intermediates, or products are stored or handled, and where the discharge from these areas would otherwise require authorization under a TPDES individual permit or alternative general permit. This permit does not authorize the discharge of any process wastewater from material storage or handling areas, including contaminated stormwater.
 - (2) In order to obtain coverage for any materials storage or handling areas, the permittee shall ensure that the SWP3 addresses these areas and that the SWP3 contains the following additional elements, in addition to those required in Part III of this general permit:
 - a. a list of the pollutants that may be present in the material and exposed to precipitation or runoff;
 - b. an indication on the site map of all material storage and handling areas that are being included under the MSGP authorization; and
 - c. description and implementation of BMPs that specifically address the material that is exposed to rainfall or runoff.
 - (3) This section does not expand the definition of stormwater associated with industrial activity. If runoff from the materials storage and handling areas are not

subject to TPDES wastewater permitting, then the SWP3 is not required to address these areas.

3. Definitions

The following definitions apply only to Sector S of this general permit:

Aircraft Deicing Fluid. (ADF) A fluid (other than hot water) applied to aircraft to remove or prevent any accumulation of snow or ice on the aircraft. This includes deicing and anti-icing fluids.

Centralized Deicing Pad. A facility on an airfield designed for aircraft deicing operations, typically constructed with a drainage system separate from the airport main storm drain system.

Deicing. Procedures and practices to remove or prevent any accumulation of snow or ice on an aircraft or airfield pavement.

Heating Degree Day. The number of degrees per day the daily average temperature is below 65 degrees Fahrenheit. The daily average temperature is the mean of the maximum and minimum temperature for a 24-hour period. The annual heating degree day value is derived by summing the daily heating degree days over a calendar year period.

Primary Airport. An airport defined at 49 U.S.C. 47102 (15).

4. Limitations on Permit Coverage

- (a) This permit only authorizes stormwater discharges from those portions of a Sector S facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing operations.
- (b) Prohibition of Non-Stormwater Discharges. This general permit does not authorize the discharge of wastewater associated with washing aircraft, ground vehicles, runways, or equipment; or the dry weather discharge of deicing chemicals. If these discharges occur, they must be authorized under an alternative TPDES or permit or disposed by another authorized means, and the disposal mechanism described in the SWP3.
- (c) A discharge resulting from snowmelt is not a dry weather discharge.

5. Additional SWP3 Requirements

- (a) Site Map. The site map must include the following information:
 - (1) aircraft and runway deicing operations;
 - (2) fueling stations;
 - (3) aircraft, ground vehicle and equipment maintenance/cleaning areas;
 - (4) storage areas for aircraft, ground vehicles and equipment awaiting maintenance; and
 - (5) the location of each tenant at the site that conducts industrial activity subject to coverage under this section of this general permit.
- (b) Potential Pollutant Sources.
 - (1) The SWP3 must list the following additional sources and activities: maintenance and cleaning of aircraft, runways, ground vehicles, and equipment; and deicing of

aircraft and runways (including apron and centralized aircraft deicing stations, runways, taxiways and ramps).

- (2) The SWP3 must include a record of the types and monthly quantities of deicing chemicals that the permittee uses (including the Material Safety Data Sheets MSDS) used and the monthly quantities. This requirement applies for all deicing chemicals, in addition to glycols and urea (e.g., potassium acetate). If the airport authority, tenants, and other Fixed-Based Operators (FBOs) share an SWP3, then the tenants and FBOs that conduct deicing operations must provide the above information to the airport authority.
- (c) Good Housekeeping Measures. This section of the SWP3 must describe specific measures where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive), to prevent or minimize contamination of stormwater from areas used for the maintenance, fueling, or cleaning of equipment, aircraft, and other vehicles, and for areas where aircraft deicing and anti-icing activities occur. The following requirements must be addressed in the SWP3 and are in addition to the requirements of Part III, Sections A.4. and A.5. of this general permit:
 - (1) Aircraft, Ground Vehicle and Equipment Maintenance Areas. Minimize the potential for stormwater contamination from areas used for the maintenance of aircraft, ground vehicles, and equipment (including the maintenance conducted on the terminal apron and in dedicated hangers).
 - (2) Aircraft, Ground Vehicle and Equipment Cleaning Areas. Clearly demarcate aircraft, ground vehicle and equipment cleaning areas on the ground using signage or other appropriate means. Minimize the potential for contamination of stormwater runoff from these areas.
 - (3) Aircraft, Ground Vehicle and Equipment Storage Areas. Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only. Minimize the potential for contamination of stormwater runoff from these storage areas.
 - (4) Material Storage Areas. Minimize the potential for stormwater contamination from materials storage areas. Maintain in good condition and plainly label any containers of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel).
 - (5) Source Reduction. Minimize, and where feasible eliminate, the use of urea and glycol-based deicing chemicals, in order to reduce the aggregate amount of deicing chemicals used or lessen the environmental impact.
 - (6) Runway Deicing Operation. Minimize the potential for stormwater contamination from runways as a result of deicing operations by evaluating and adjusting as necessary the application rates of deicing materials, consistent with considerations of flight safety.
 - (7) Aircraft Deicing Operations. The permittee shall evaluate the application rates for deicing chemicals, and adjust as necessary, consistent with considerations of flight safety, to help minimize contamination of stormwater runoff from aircraft deicing operations.
 - (8) Deicing Season. Identify the de-icing season by determining the seasonal timeframe (e.g., December- February, October - March) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with

particular emphasis throughout the defined deicing season. If the deicing chemical usage thresholds of 100,000 gallons glycol or 100 tons of urea are met, the identified deicing season is the timeframe during which the required benchmark monitoring must be conducted. (See the benchmark monitoring requirements for this sector, below.)

- (d) **Structural Controls.** Operators that conduct deicing or anti-icing activities shall select controls, where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive), to capture and contain chemicals used in this activity. Containing activities to specific areas where runoff may be captured and either treated, hauled away for disposal or disposed of to the sanitary sewer must be considered, where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive). A narrative description of these considerations, including a rationale for why certain alternatives were either chosen or rejected, must be incorporated as an element of the SWP3.
- (e) **Shared SWP3s.** Airport authorities and airport tenants are encouraged to work in partnership to develop and implement a SWP3. Tenants of the airport facility include air passenger or cargo companies, fixed based operators, and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in stormwater discharges associated with industrial activity. Even with a shared SWP3, each entity at an airport that meets the applicability requirements of this permit is required to obtain permit coverage.
- (f) **Best Management Practices.** Facilities that conduct deicing or anti-icing operations must evaluate operating procedures on an annual basis to consider alternative practices, where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive), that may reduce the overall amount of chemical used, or otherwise lessen the environmental impact of the pollutant. This annual review must include a consideration of alternative chemicals for this use. The SWP3 must include a narrative discussion of the annual alternative practices review that includes the rationale for changes in practices or the decision to retain existing practices. BMPs must be developed and implemented to ensure against over application of chemicals used as a part of deicing and anti-icing operations.
- (g) **Additional Inspection Requirements.**
 - (1) **Routine Facility Inspections.** Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.2. of this general permit and conducted at least once per week during deicing or anti-icing activities in the areas where these operations take place, if accessible. Records of weekly inspections, when they occur, must be maintained.
 - (2) **Comprehensive Site Inspections.** Conduct the annual site inspection using only qualified personnel, during periods of actual deicing operations, if possible. If not practicable during active deicing because of weather, conduct the inspection during the season when deicing operations occur and the materials and equipment for deicing are in place.

6. Numeric Effluent Limitations – Applicable to Sector S Facilities Discharging Stormwater from Airport Deicing Activities

The following numeric effluent limitations, based upon guidelines from Airport Deicing Point Source Category, 40 CFR Part 449, applies to any stormwater runoff from airport and airfield deicing activities at primary airports. The limitations must be met at the location where the effluent leaves the onsite treatment system utilized for meeting these requirements and before commingling with any non-deicing discharges.

- (a) For new and existing primary airports with 1,000 or more jet departures per year, the following requirements apply:

- 1) Airfield Pavement Deicing. The discharge from airfield pavement deicers containing urea is not allowed. This requirement must be met by either:
 - a. Certifying annually that the airfield deicing products do not contain urea; or
 - b. Each discharge point must be monitored and meet the following numeric effluent limitations:

Table 28. Numeric Effluent Limitations for existing Sector S facilities with airfield deicing

Wastestream	Parameter	Daily Maximum*
Airfield Pavement Deicing	Ammonia- Nitrogen	14.7 mg/L

*Sample Frequency: Once per day during deicing activities

*Sample Type: Grab

- 2) Aircraft Deicing.
 - a. Existing Airports: There are no requirements for existing airports regardless of number of jet (non-propeller aircraft) departures per year.
 - b. New Airports with less than 1,000 jet (non-propeller aircraft) departures per year: There are no requirements.
 - c. New primary airports with 1,000 and more jet (non-propeller aircraft) departures per year, 10,000 or more departures annually, and 3,000 or more heating degree days (annual), have the following requirements:
 - (a) At least 60% of available aircraft deicing fluid (ADF) must be collected; and
 - (b) The discharge must meet the numeric effluent limitations below. The effluent limitation must be met at the location where the effluent leaves the onsite treatment system utilized for meeting these requirements and before commingling with any non-deicing discharges.

Table 30. Numeric Effluent Limitations for new Sector S facilities with airfield deicing

Wastestream	Parameter	Daily Maximum*	Weekly Average
Aircraft Deicing	COD	271 mg/L	154 mg/l

*Sampling: Once per day during deicing activities

*Sample Type: See 40 CFR Part 449, Appendix A Sampling Protocol For SolubleCOD

- (b) General Requirements for the Implementation of Numeric Effluent Limitations Established in Section S. (6)(a) above.

The permittee shall demonstrate compliance with the ADF collection, reporting, and record keeping requirements described in Part V. Section S.6.(a) above.

- 1) The permittee shall maintain records to demonstrate, and certify annually, that it is operating and maintaining one or more centralized deicing pads. This technology shall be operated and maintained according to the technical specifications as follows:
 - (a) Each centralized deicing pad shall be sized and sited in accordance with all applicable Federal Aviation Administration (FAA) advisory circulars.
 - (b) Drainage valves associated with the centralized deicing pad shall be activated before deicing activities commence, to collect available ADF.
 - (c) The centralized deicing pad and associated collection equipment shall be installed and maintained per any applicable manufacturers' instructions, and shall be inspected, at a minimum, at the beginning of each deicing season to ensure that the pad and associated equipment are in working condition.
 - (d) All aircraft deicing shall take place on a centralized deicing pad, with the exception of defrosting and deicing for safe taxiing.
 - 2) Alternative technology or specifications. This general permit may allow one of the following alternative procedures for demonstrating compliance with its collection requirement, instead of the procedure mentioned above in Part V. Section S.6.(b)(1)(a-d) of the section above.
 - (a) Using a different ADF collection technology from the centralized deicing pad technology specified in Part V. Section S.6.(b)(1)(a-d) of this section; or
 - (b) Using the same ADF collection technology, but with different specifications for operation and/or maintenance.
 - 3) The permittee shall collect and maintain on site during the term of the permit, up to five years of records of the annual volume of ADF used.
- (c) Monitoring and Sampling
- Monitoring and sampling for COD and Ammonia shall be conducted at a location where the effluent leaves the on-site treatment system and prior to commingling with non-deicing wastestreams.
- (d) Recordkeeping
- The permittee shall maintain onsite records for five years of the following documentation:
- a. Wastewater samples collected and analyzed;
 - b. Certifications;
 - c. Equipment maintenance schedules and agreement; and
 - d. If using volumes of ADF applied/collected, records of these amounts.
- (e) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:

- 1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.
- 2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ by March 31st of the following year, as described in Part III, Section E.6. of this permit.
- 3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

(f) **Additional SWP3 Requirements.**

The following SWP3 requirements must be conducted in addition to those listed in Part V. S.5. Permittees shall document and describe the following:

- a. Number of jet departures and deicing operations at the airport.
- b. Type of deicing chemicals used and keep deicing activity log.
- c. Method of ADF collection
- d. Compliance with 60% ADF collection requirements, as applicable.
- e. Monitoring and frequencies of sampling.

7. Benchmark Monitoring Requirements

- (a) Benchmark monitoring is only required for permittees conducting deicing activities that have used more than 100 tons of urea, or more than 100,000 gallons of glycol-based chemicals on an average annual basis. These volumes of deicing materials refer to the combined activities and usage at the airport as a whole, and not independently to each carrier or operator.
 - (1) Benchmark monitoring is required of all permittees who used urea or glycol-based deicing chemicals at an airport where the total amount used at the airport meets the criteria listed in this section. Benchmark sampling is not required of a permittee who does not use the listed chemicals, even if the airport did meet the volume criteria that trigger benchmark monitoring.
 - (2) Benchmark sampling is required at all outfalls that discharge runoff from areas where deicing with urea or glycol-based deicing chemicals is performed at an airport where the total amount used at the airport as a whole meets the criteria listed above.
 - (3) For those permittees required to conduct benchmark monitoring, the total number of benchmark samples required for the year must be collected during the deicing season when deicing activities are occurring.
- (b) The following subsector must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 31. Benchmark Monitoring Requirements for Subsections in Sector S

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
4512 - 4581	Airport Transportation Facilities with Deicing Activities*	COD Ammonia-Nitrogen pH	60 mg/L 1.7 mg/L 6.0-9.0 S.U.

*For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and / or 100 tons or more of urea on an average annual basis.

Section T. Sector T of Industrial Activity - Treatment Works

1. Description of Industrial Activity

The requirements of this general permit apply to stormwater discharges from activities identified and described as Sector T. Sector T industrial activities are described by the following Industrial Activity Code:

SECTOR T: TREATMENT WORKS

Activity Codes and Description of Industry Sub-sector

TW Certain Wastewater Treatment Plants

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

The requirements of this general permit apply to stormwater discharges from domestic wastewater treatment plants with a design flow of 1.0 million gallons per day or more that treat, store, recycle, or reclaim domestic sewage, wastewater or sewage sludge (including dedicated lands for sewage sludge disposal located within the onsite property boundaries); or that are required to have an approved pretreatment program (under 40 CFR Part 403).

3. Limitations on Permit Coverage

- (a) Prohibition of Wastewater Discharges. The discharge of sanitary wastewater, industrial wastewater, equipment and vehicle wash water, or other wastewater is not authorized by this permit.
- (b) Discharge to Wastewater Plant Headworks. Facilities that route all stormwater runoff to the wastewater treatment facility headworks in accordance with an individual TPDES permit are not required to obtain additional coverage through this general permit.

4. Additional SWP3 Requirements

The following SWP3 requirements must be conducted in addition to those listed in Part III of this general permit:

- (a) Employee Training. At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and

- (b) pesticides. These requirements are in addition to the training requirements listed in Part III, Section A.4.(f) of this permit.
- (c) Site Map. The permittee shall document in the SWP3 where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.
- (d) Potential Pollutant Sources. The permittee shall document in the SWP3 the following additional sources and activities that have potential pollutants associated with them, if present at the site: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.
- (e) Wastewater and Wash Water Requirements. The permittee shall either retain a copy, or reference the location where a copy is located, of all current TPDES permits issued for wastewater and industrial, vehicle and equipment wash water discharges for the facility in the SWP3. If a TPDES permit has not yet been issued, a copy of the pending application(s) must also be kept or referenced in the SWP3. If the wastewater or wash water is handled in another manner, then the SWP3 must describe the disposal method and all pertinent documentation must be retained onsite.
- (f) Additional Inspection Requirements. In addition to the information that must be included in the inspections required in Part III of this permit, the following areas must be inspected as well: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

5. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 32. Benchmark Monitoring Requirements in Subsections in Sector T

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
TW	Certain Wastewater Treatment Plants	BOD5	20 mg/L

Section U. Sector U of Industrial Activity - Food and Kindred Products Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector U. Sector U industrial activities are described by the following SIC codes:

SECTOR U: FOOD AND KINDRED PRODUCTS FACILITIES

SIC Codes Description of Industry Sub-sector

2011 – 2015 Meat Products

2021 – 2026 Dairy Products

2032 - 2038 Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties

2041 - 2048 Grain Mill Products

2051 - 2053 Bakery Products

2061 - 2068 Sugar and Confectionery Products

2074 - 2079 Fats and Oils

2082 - 2087 Beverages

2091 - 2099 Miscellaneous Food Preparations and Kindred Products

2111 - 2141 Tobacco Products

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Limitations on Coverage

Prohibition of Wastewater Discharges. The following discharges are not authorized by this permit: boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations.

3. Additional SWP3 Requirements

Employee Training Program and Employee Education. The program must include training in pest control application procedures and chemical storage procedures.

Inventory of Exposed Materials. The inventory must include a list of the pesticides, rodenticides, herbicides, and fungicides applied or stored on the facility property.

Narrative Description. A narrative description of all activities and potential sources of pollutants that may reasonably be expected to add significant amounts of pollutants to stormwater discharges from pest control and chemical storage procedures must be included.

Site Map. The site map must clearly show the location of vent stacks for cooking, drying, and similar operations, dry product vacuum transfer lines; animal holding pens; spoiled product and broken product container storage areas; and any other processing or storage areas exposed to stormwater.

Best Management Practices. This section of the SWP3 must include BMPs for cleaning procedures for vent hoods, storage and baking racks, bins and refuse containers, and other similar cleaning activities, to ensure that cleaning these items does not contribute pollutants to stormwater runoff.

4. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 33. Benchmark Monitoring Requirements in Subsections in Sector U

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2041-2048	Grain Mill Products	TSS	50 mg/L
2074-2079	Fats and Oils	COD	60 mg/L
		Nitrate + Nitrite N	0.68 mg/L
		TSS	100 mg/L

Section V. Sector V of Industrial Activity - Textile Mills, Apparel, and Other Fabric Product Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector V. Sector V industrial activities are described by the following SIC codes:

SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING FACILITIES

SIC Codes Description of the Industrial Activity

2211 – 2299 Textile Mill Products

2311 – 2399 Apparel and Other Finished Products Made From Fabrics and Similar Materials

3131 – 3199 Leather and Leather Products, except Leather Tanning and Finishing (See Sector Z)

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Limitations on Coverage

Prohibition of Wastewater Discharges. The following discharges are not allowed under this general permit: wastewater resulting from wet processing or from any processes relating to the production; reused or recycled water; and waters used in cooling towers. These types of discharges must be authorized under a separate TPDES permit or other authorized means.

3. Additional SWP3 Requirements

(a) The permittee shall minimize the discharge of pollutants from the following areas:

- (1) Material handling areas. The permittee shall plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area and away from drains, and shall minimize the potential for stormwater to contact such storage areas. When storing empty chemical drums or containers, the permittee shall ensure that the drums and containers are clean and that there is no contact of residuals with precipitation or runoff, and shall properly collect and dispose of wash water from drum and container cleanings.
- (2) Material storage areas
- (3) Fueling areas.
- (4) Above-Ground Storage Tank areas, including the associated piping and valves.

- (b) **Employee Training.** Employee training must include the following activities, as applicable:
- (1) use of reused and recycled waters;
 - (2) solvents management, proper disposal of dyes;
 - (3) spill prevention and control;
 - (4) fueling procedures; and
 - (5) management and proper disposal of any solvents, petroleum products, spent lubricants, dyes, and other chemicals used at the facility.
- (c) **Narrative Description.** The SWP3 must include a narrative description of all activities and potential sources of pollutants that may reasonably be expected to add significant amounts of pollutants to stormwater discharges from industry specific activities in the SWP3 and including the following: backwinding; beaming; bleaching; backing; bonding; carbonizing; carding; cut and sew operations; desizing; drawing; dyeing; flocking; fulling; knitting; mercerizing; opening; packing; plying; scouring; slashing; spinning; synthetic-felt processing; textile waste processing; tufting; turning; weaving; web forming; winging; yarn spinning; and yarn texturing.
- (d) **Spill Prevention and Response Measures.** The SWP3 must include measures to inspect, evaluate, and replace connections, valves, transfer lines and pipes that carry chemicals, dyes, or waste. All chemicals must be stored in a protected area, away from drains, and clearly labeled.
- (e) The SWP3 must include specific measures to prevent or minimize contamination of stormwater runoff from above ground storage tank areas.
- (f) **Routine Facility Inspections.** Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.2. of this general permit, but must be conducted at least once per month in material storage areas, material transfer lines and areas, spill prevention, good housekeeping practices, management of process waste products, and all structural and non-structural management practices.

Section W. Sector W of Industrial Activity - Wood and Metal Furniture and Fixture Manufacturing Facilities

4. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector W. There are no additional requirements under this section that apply to stormwater

discharges from activities identified and described as Sector W. Sector W industrial activities are described by the following SIC codes:

SECTOR W: FURNITURE AND FIXTURES

SIC Codes Description of Industry Sub-sector

2434 Wood Kitchen Cabinets

2511 – 2599 Furniture and Fixtures

Section X. Sector X of Industrial Activity - Printing and Publishing Facilities**1. Description of Industrial Activity**

The requirements under this section apply to stormwater discharges from activities identified and described as Sector X. Sector X industrial activities are described by the following SIC codes:

SECTOR X: PRINTING AND PUBLISHING

SIC Codes Description of Industry Sub-sector

2711 – 2796 Printing, Publishing, and Allied Industries

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Covered Stormwater Discharges

Facilities described by any of the SIC codes listed above, that conduct publishing or designing activities without printing, are designated for coverage under this general permit and are not required to submit an NOI for coverage nor an NEC for a no exposure exclusion. These facilities must comply with the following permit requirements and are not subject to additional requirements that are listed in this permit:

- (a) The facility must maintain conditions that ensure there is no exposure of industrial activities to stormwater; and
- (b) The facility operator must comply with the requirements of Part III, Section E. of this general permit, related to Standard Permit Conditions, except that the operator is not required to submit an NOI or NEC form, prepare a SWP3, or conduct analytical monitoring.

The facility operator must apply for coverage if either of the requirements listed above are not met. If the TCEQ determines that additional controls are required other than those listed above, or if there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility described by SIC codes 2711 – 2796 and that does not have any printing activities to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

3. Additional SWP3 Requirements

- (a) Spill Prevention and Response Measures.
 - (1) The spill prevention and response measures section of the SWP3 must include measures to inspect, evaluate, and replace connections, valves, transfer lines, and pipes that carry chemicals or wastes.
 - (2) All chemicals (e.g. fuels, solvents, dyes, inks) must be stored in a protected area, away from drains, and clearly labeled.
 - (3) The SWP3 must include specific measures to prevent or minimize contamination of stormwater runoff from above ground storage tank areas and fueling areas.

- (b) **Material Storage Areas.** The permittee shall minimize the discharge of pollutants from storage areas for containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil). These materials must be plainly labeled and stored in a protected area, away from drains.
- (c) The SWP3 must include a narrative description of all activities and potential sources of pollutants that may reasonably be expected to add significant amounts of pollutants to stormwater discharges from industry specific activities, including blanket wash and solvent mixing operations in the SWP3 as well as the containment area(s) or enclosures for materials that are stored outdoors.
- (d) **Material Handling Area.** Minimize contamination of stormwater runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials). Consider the following (or their equivalents): using spill and overflow protection, covering fueling areas, and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.
- (e) **Employee Training.** The program must include training in the management and disposal of any solvents, other petroleum products, dyes, other chemicals used at the facility, and general good housekeeping practices. These requirements are in addition to the SWP3 requirements in Part III, Section A.4 of this permit.

Section Y. Sector Y of Industrial Activity - Rubber and Miscellaneous Plastic Products, and Miscellaneous Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector Y. Sector Y industrial activities are described by the following SIC codes:

SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING FACILITIES

SIC Codes Description of Industry Sub-sector

3011 Tires and Inner Tubes

3021 Rubber and Plastics Footwear

3052, 3053 Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting

3061, 3069 Fabricated Rubber Products, Not Elsewhere Classified

3081 – 3089 Miscellaneous Plastics Products

3931 Musical Instruments

3942 – 3949 Dolls, Toys, Games and Sporting and Athletic Goods

3951 – 3955, except 3952 (see Sector C) - Pens, Pencils, and Other Artists' Materials (except certain inks and paints as specified in Sector C)

3961, 3965 Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal

3991 – 3999 Miscellaneous Manufacturing Industries

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Additional SWP3 Requirements

- (a) **Narrative Description.** The SWP3 must include a narrative description that includes a review of the use of any zinc at the facility and possible pathways where zinc could contaminate stormwater runoff.
- (b) **Good Housekeeping Measures.** This section of the SWP3 must include specific measures to minimize potential exposure of pollutants to stormwater.
 - (1) **Rubber Manufacturing:** The operator of a rubber manufacturing facility shall minimize or prevent the discharge of zinc in stormwater runoff. All rubber manufacturing facilities must include specific BMPs and controls to minimize the contamination of stormwater from the handling and storage of zinc. Potential sources of zinc must be identified and the accompanying BMPs must be evaluated and incorporated into the SWP3 and implemented at the facility (as appropriate);
 - a. zinc bags must be stored indoors;
 - b. the permittee shall ensure headspace in containers to minimize “puffing” losses when the containers are opened;
 - c. where feasible, the permittee shall ensure that there is no exposure of waste disposal dumpsters to stormwater (e.g., store indoors or provide a cover and liner for the dumpster);
 - d. repair or replace improperly operating dust collectors and baghouses, as appropriate;
 - e. minimize dust generation from rubber grinding operations;
 - f. reduce the possible contamination of stormwater by drips and spills of zinc stearate slurry; and
 - g. identify specific measures for zinc spill cleanup so that the cleanup may be completed without washing the spill into the storm drain.
 - (2) **Plastics Manufacturing:** The operator of a plastic products manufacturing facility shall minimize the possibility of discharging plastic resin pellets in stormwater discharges from the facility by implementing control measures (or their equivalents) that include: minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, capturing pellets, employee education and training, and using precautions for disposal.

3. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 5. Benchmark Monitoring Requirements for Subsections in Sector Y

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
3011	Tires and Inner Tubes	Zinc, total	0.16 mg/L
3021	Rubber and Plastics Footwear	Zinc, total	0.16 mg/L
3052, 3053	Gaskets, Packing, and Sealing Devices; and Rubber and Plastics Hose and Belting	Zinc, total	0.16 mg/L
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods	Zinc, total	0.16 mg/L
3069	Fabricated Rubber Products, Not Elsewhere Classified	Zinc, total	0.16 mg/L

Section Z. Sector Z of Industrial Activity - Leather Tanning and Finishing Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector Z. Sector Z industrial activities are described by the following SIC codes:

SECTOR Z: LEATHER TANNING AND FINISHING

SIC Codes Description of Industry Sub-sector

3111 Leather Tanning and Finishing

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Additional SWP3 Requirements

- (a) **Drainage Area Site Map.** The drainage area site map must clearly show the location of the following activities, if these activities are exposed to stormwater: processing and storage areas of the beam house, tan yard and re-tan wet and dry finishing operations; haul roads; access roads; and rail spurs.
- (b) **Potential Pollutant Sources.** Document the following sources and activities that have potential pollutants associated with them in the SWP3 (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

- (c) **Good Housekeeping Measures.** The following requirements are in addition to the requirements in Part III, Section A.4. of this general permit, related to Pollution Prevention Measures and Controls. The permittee shall minimize the contact of stormwater from the following areas or materials, in order to reduce the potential to discharge contaminated stormwater:
 - (1) Storage areas for raw, semi-processed, or finished tannery by-products, including pallets and bales of raw, semi-processed or finished tannery by-products.
 - (2) Buffing and shaving areas.
 - (3) Receiving, unloading, and storage areas, if these areas are exposed.
 - (4) Outdoor storage of contaminated equipment.
 - (5) Waste Management Areas.
- (d) **Labeling.** The permittee shall also label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials).

Section AA. Sector AA of Industrial Activity - Fabricated Metal Products Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector AA. Sector AA industrial activities are described by the following SIC codes:

SECTOR AA: FABRICATED METAL PRODUCTS FACILITIES

SIC Code Description of Industry Sub-sector

3411 – 3499 Fabricated Metal Products, Except Machinery and Transportation Equipment

3911 – 3915 Jewelry, Silverware, and Plated Ware

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Pollution Prevention Measures and Controls

The following requirements are in addition to the requirements listed in Part III of this general permit.

- (a) **Good Housekeeping Measures.** In addition to the Pollution Prevention Measures and Controls SWP3 requirements in Part III, Section A.4. of this general permit, the permittee must implement the following control measures, and must document in the SWP3 the measures being used for each measure. This section of the SWP3 must also define practices to prevent or minimize exposure of stormwater to metal fines and iron dust, solvents and paints, and also from sand where sandblasting operations are conducted.
 - (1) **Raw Steel Handling Storage.** Minimize the generation of or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.
 - (2) **Paints and Painting Equipment.** Minimize exposure of paint and painting equipment to stormwater.
- (b) **Spill Prevention and Response Procedures.** Ensure that the necessary equipment to implement a cleanup is available to personnel by addressing the following areas:

- (1) Metal Fabricating Areas. Maintain clean, dry, orderly conditions in these areas.
- (2) Storage Areas for Raw Metal. Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials.
- (3) Metal Working Fluid Storage Areas. Minimize the potential for stormwater contamination from storage areas for metal working fluids.
- (4) Cleaners and Rinse Water. Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.
- (5) Lubricating Oil and Hydraulic Fluid Operations. Minimize the potential for stormwater contamination from lubricating oil and hydraulic fluid operations. Consider using monitoring equipment or other devices to detect and control leaks and overflows. Consider installing perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures.
- (6) Chemical Storage Areas. Minimize stormwater contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

(c) Additional SWP3 Requirements

- (1) Site Map. Document in the SWP3 where any of the following may be exposed to stormwater: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.
- (2) Potential Pollutant Sources. Document in the SWP3 the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

(d) Additional Inspection Requirements

- (1) Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B. of this general permit and conducted at least once per quarter in the following areas:
 - a. raw metal storage areas;
 - b. finished product storage areas;
 - c. material and chemical storage areas;
 - d. recycling areas;
 - e. loading and unloading areas;
 - f. equipment storage areas;
 - g. paint areas; and
 - h. vehicle fueling and maintenance areas.

- (2) Comprehensive Site Inspections. As part of the annual comprehensive site compliance evaluation in Part III, Section B.5., the permittee must inspect areas associated with the storage of raw metals, spent solvents and chemicals storage areas, outdoor paint areas, and drainage from roof. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

3. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 35. Benchmark Monitoring Requirements for Subsections in Sector AA

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
3411-3499 3911-3915	Fabricated Metal Products Except Coating	Aluminum, total Iron, total Zinc, total Nitrate + Nitrite N TSS	1.2 mg/L 1.3 mg/L 0.16 mg/L 0.68 mg/L 50 mg/L
3479	Fabricated Metal Coating and Engraving	Zinc, total Nitrate + Nitrite N	0.16 mg/L 0.68 mg/L

Section AB. Sector AB of Industrial Activity - Transportation Equipment and Industrial or Commercial Machinery Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector AB. Sector AB industrial activities are described by the following SIC codes:

SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY MANUFACTURING FACILITIES

SIC Codes Description of the Industrial Activity

3511 – 3599, except 3571 – 3579 (see Sector AC) - Industrial and Commercial Machinery, except Computer and Office Equipment (see Sector AC)

3711 – 3799, except 3731, 3732 (see Sector R) - Transportation Equipment, except Ship and Boat Building and Repairing (see Sector R)

(For detailed information about each SIC code, see Part II, Section A.1.b)

2. Additional SWP3 Requirements

Drainage Area Site Map. The site map must clearly show the location of vents and stacks from metal processing and similar areas.

Section AC. Sector AC of Industrial Activity – Electronic and Electrical Equipment/ Components, and Photographic/ Optical Goods Manufacturing Facilities

1. Description of Industrial Activity

There are no additional requirements under this section that apply to stormwater discharges from activities identified and described as Sector AC. Sector AC industrial activities are described by the following SIC codes:

SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS

SIC Codes Description of the Industrial Activity

3571 – 3579 Computer and Office Equipment

3612 – 3699 Electronic, Electrical Equipment and Components, except Computer Equipment

3812 – 3873 Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods

(For detailed information about each SIC code, see Part II, Section A.1.b)

Section AD Sector AD of Industrial Activity - Miscellaneous Industrial Activities

1. Description of Industrial Activity

The requirements under this section apply to stormwater discharges from activities identified and described as Sector AD. Sector AD industrial activities are described by the following Industrial Activity Code:

SECTOR AD: MISCELLANEOUS INDUSTRIAL ACTIVITIES

Activity Codes and Description of the Industrial Activity

Limited to facilities that are designated by the executive director as needing a permit to control pollution related to stormwater discharges and that do not meet the description of an industrial activity covered by Sectors A-AC

2. Limitations on Permit Coverage

- (a) Facilities may not request general permit coverage under Sector AD. Coverage under this sector is reserved for those facilities that are designated by the executive director as eligible for coverage under this sector of this general permit. The executive director may designate a facility based on site specific considerations such as water quality impacts. A designation may be made based on information obtained during a site inspection or other means, if it is determined that the discharge would be appropriately regulated under this general permit rather than an individual stormwater permit.
- (b) Facilities that are determined by the executive director to need controls in addition to the requirements in Part II and Part III of this general permit will be required to obtain an individual TPDES permit.

3. SWP3 and Other Requirements

The permittee must implement the controls and measures described in Part III of this general permit for all regulated areas of the facility.

4. Co-located Activities

Where co-located industrial activities occur (refer to Part II, Section A.3. of this general permit), the additional conditions and requirements in Part V of this general permit for each of these activities also apply.

5. Benchmark Monitoring Requirements

All facilities authorized under this section must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 36. Benchmark Monitoring Requirements for Sector AD

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
AD	Miscellaneous Industrial Activities	pH TSS COD Oil and Grease	6.0-9.0 S.U. 100 mg/L 60 mg/L 10 mg/L

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TPDES General Permit TXRo50000 - Multi Sector General Permit

For proposed Texas Pollutant Discharge Elimination System (TPDES) Multi Sector General Permit (MSGP) Number TXRo50000 to discharge to surface water in the state.

Issuing Office: Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, Texas 78711-3087

Prepared by: Stormwater & Pretreatment Team (MC-148)
Wastewater Permitting Section
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Date: March 24, 2016

Permit Action: Amendment and Reissuance of a General Stormwater Permit for
Industrial Activities

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I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to renew TPDES Multi Sector General Permit (MSGP) TXRo50000, issued August 14, 2011, which authorizes the discharge of stormwater associated with industrial activity. The draft MSGP specifies which facilities must obtain permit coverage, which are eligible for exclusion from permit requirements, which may be automatically authorized, and which may be required to obtain individual permit coverage.

The principal changes to the existing MSGP include:

- A.** Changed the Standard Industrial Classification (SIC) code and sector format in Part II Section A to clarify what facilities are regulated under the general permit by adding more details to the existing SIC codes and industrial activity descriptions.
- B.** Added language to Part II, Section C.2(a), Part II Section C.6(c), Part II Section C.7(b)(2), and regarding the NPDES Electronic Reporting Rule effective December 21, 2015, and application forms.
- C.** Added language to Part III, Section C1.(c)(2) and Part III Section E.6(a)(1) referring to the NPDES Electronic Reporting Rule effective December 21, 2015, and DMR submittals required electronically by December 21, 2016.
- D.** Added narrative and numeric effluent limitations guidelines under Part V, Sector S (Air Transportation) to include deicing requirements based on final federal Effluent Limitation Guidelines at 40 Code of Federal Regulations (CFR) Part 449 for airport and airplane deicing operations.
- E.** Changes to benchmark values and sampling.

Based on Benchmark Monitoring Reports received from permittees during permit years 2011 – 2014, the following changes were made after data analysis:

- 1. Lowered Ammonia Nitrogen value from 2.5 milligrams per Liter (mg/L) to 1.7 mg/L.
 - 2. Lowered Total Suspended Solids (TSS) values from 100 mg/L to 50 mg/L for sector A (SIC codes 2426 – 2499), sector C (SIC codes 2873 – 2879), sector F (SIC codes 3321 -3325), and sector H (SIC codes 1221 – 1241).
 - 3. Lowered Biochemical Oxygen Demand (BOD) values from 30 mg/L to 20 mg/L for Sector T (Activity code TW)
 - 4. Added language to Part IV, Section B.1.(a) clarifying the sampling requirements for the waiver option for benchmark sampling during Years 3 and 4. If sampling during Years 1 and 2 demonstrates that the annual average result for all benchmark parameters is below the benchmark level for the regulated sector, then permittees can waiver out of sampling for Years 3 and 4.
- F.** Clarified permit language in Part V, Sector P (Land Transportation and Warehousing) regarding Petroleum Bulk Stations and Terminals with SIC code 5171, pertaining to the

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storage of crude oil. Modified language to clarify when permittees must be regulated under an EPA NPDES permit and when they qualify under the MSGP.

- G.** Clarified permit language in Part V, Sector I (Oil and Gas Extraction Facilities) when facilities qualify for permit coverage under the EPA NPDES permit, or when they qualify under the MSGP.
- H.** Clarified permit language in Part II, Section C.1(a) for above ground storage tanks (ASTs) requirements.
- I.** Removed the terms “Stockpiled rail ties” and “metal products” from language in Part II.C.1.(b).
- J.** Added language to Part III, Section D.1 (c) to clarify how permittees should document zero rainfall totals, or no rain for sampling requirements.
- K.** Added clarification to the section “Impaired Water Bodies and Total Maximum Daily Load Requirements” to address when discharges are considered discharging to an impaired water body.
- L.** Pursuant to the October 23, 2013 Commissioner’s Order on the Livestock Manure Composting General Permit, WQG200000, the draft permit was similarly revised to clarify that an applicant who owns or operates a facility classified as an “unsatisfactory performer” is entitled to a hearing before the commission prior to denial or suspension of authorization.

II. Executive Director’s Recommendation

The Executive Director has made a preliminary decision that this general permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the general permit be reissued to expire five years from the effective date of August 14, 2016, in accordance with the requirements of 30 TAC §205.5(a).

III. Permit Applicability and Coverage

A. Need for a Permit:

The MSGP authorizes the discharge of stormwater associated with industrial activities into surface water in the state. “stormwater associated with industrial activity” is defined in federal rules at 40 CFR §122.26(b)(14), which TCEQ adopted in state rules at 30 TAC §281.25(a). The draft general permit specifies which facilities may be authorized under the general permit and which must be authorized by an individual permit or alternative general permit.

A facility must have authorization for stormwater discharges if it is defined as an industrial activity by 40 CFR §122.26(b)(14) or designated by the Executive Director. A regulated facility may obtain authorization under the MSGP if coverage is not otherwise prohibited:

1. The SIC code that describes the facility (i.e., the primary SIC code) is specifically listed in Section II.A. of the general permit (see Part II, Section A of the draft permit);

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2. The facility conducts an activity described by one or more Industrial Activity Codes that are described in the general permit (See Sectors K, L, O, and T in Part II, Section A. of the draft permit, and Part V, Sections K, L, O, and T);
3. Stormwater discharges from the facility are subject to federal categorical effluent limitations at Title 40 of the CFR Subchapter N (Parts 400-471) (applicable to certain discharges within Sectors A, C, D, E, I, J, O, and S in Part V of the general permit); or
4. The facility has been designated by the Executive Director as requiring coverage under Sector AD.

Regulated industrial activities are grouped into 30 sectors, A through AD, and each sector consists of a group of similar industrial activities. For this reason, the permit is referred to as the “Multi-Sector General Permit,” or MSGP. Most sectors of activity are further divided into more specific subsectors through the use of standard industrial classification (SIC) codes; although some sectors include only one SIC code, and four sectors (K, L, O, and T) are defined only by an industrial activity code (HZ, LF, SE, and TW, respectively). In addition, Sector AD is reserved and will be used to provide permit coverage for facilities that are designated in writing by the Executive Director as needing a permit to control pollution related to stormwater discharges, but that are not described by Sectors A-AC.

Military installations and other federal facilities are also regulated under the MSGP if they have a potential to discharge stormwater that is regulated under the MSGP, even though the facility SIC code may not be listed. For example, the SIC code for a military base is 9711; however, permit coverage is required for any military base that conducts a regulated activity. Other public facilities are regulated under the MSGP if the facility is described in the general permit. For example, if a city operates a general warehousing operation, the city would need to determine the SIC code that best describes the actual facility rather than using the SIC code that describes the entire city.

B. No Exposure:

Facilities regulated under the MSGP may be excluded from permit requirements if there is no exposure of industrial materials or activities to precipitation or runoff. To qualify for this conditional exclusion from permit requirements, the operator of the facility must certify that industrial activities and materials are isolated from precipitation and runoff by storm resistant shelter. The certification must be submitted to the TCEQ on a No Exposure Certification (NEC) form, or other approved form.

Storm-resistant shelters include buildings or structures that have complete roofs and walls, as well as structures with only a top cover but no side coverings, as long as the materials or activities under the structure are not otherwise subject to any run-on and subsequent runoff of stormwater, or mobilization by wind.

Facilities operating under a conditional no-exposure exclusion are subject to inspection by authorized TCEQ personnel to determine compliance with the exclusion. In addition, operators of facilities that qualify for this exclusion and that discharge stormwater to a municipal separate storm sewer system (MS4) must provide a copy of their NEC form to the MS4 operator, even if not required by the MS4.

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Exceptions to Storm Resistant Shelters:

1. A facility may be able to obtain a no-exposure exclusion even if the following materials and activities are not completely isolated from precipitation and runoff by a storm resistant shelter:
 - a. drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak ("Sealed" means banded or otherwise secured and without operational taps or valves); and
 - b. final products that are produced by the facility operator and that are designed for outdoor use (e.g., new cars, outdoor play-sets, lawn equipment), provided the final products have not deteriorated and are not otherwise a potential source of contaminants.

However, the following types of final products would be considered exposed, and not eligible for the exclusion, even if they are designed for outdoor use:

- (1) Final products that could be mobilized by wind or rain into stormwater discharges (e.g., rock salt, wood chips or shavings, compost, plastic pellets, or bricks). Final products that are sheltered from direct precipitation may still be considered exposed if the materials could be carried by wind;
 - (2) final products that may, when exposed, oxidize, deteriorate, leak or otherwise be a potential source of contaminants (e.g., scrap cars, scrap metal); and
 - (3) final products that are actually intermediate products, i.e., that are used in the composition of yet another product (e.g., sheet metal, tubing and paint used in making tractors; plastic pellets; freshly chromed bumpers, creosoted railroad ties, galvanized building panels, galvanized fencing; and unfinished portions of a final product). Even if the intermediate product is "final" for a manufacturer and is intended to be included in a "final product intended for use outdoors," these products are still considered intermediate products for the purpose of the MSGP, and are considered exposed if they are not located in a storm resistant shelter;
- c. pallets used to store or transport final products intended for outdoor use, if the pallets are new or if they are used and do not contain pollutants;
 - d. vehicles used in material handling that are adequately maintained to prevent leaking fluids;
 - e. lidded dumpsters containing waste materials associated with the regulated activity, provided that the containers are completely covered, no pollutants can drain out, and no material can be lost while loading the contents into a refuse / trash vehicle (excludes trash compactors that

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handle waste materials associated with the regulated activity, unless the compactor is located indoors or protected by a storm-resistant shelter);

- f. industrial refuse or trash that is stored in large roll-off containers located under a constructed cover or covered with securely-fastened heavy-duty tarps, provided that the tarps are properly maintained and in good condition. If tarps show any signs of beginning to deteriorate, they would need to be replaced before they deteriorate. Tarps must be fastened to the waste containers in such a way that they would need to be unfastened and refastened each time waste materials are added;
- g. particulate emissions from roof stacks or vents, provided that they are in compliance with other applicable TCEQ rules and do not contaminate stormwater; and
- h. above-ground storage tanks (ASTs) that are equipped with valves for dispensing materials that support facility operations (e.g., heating oil, propane, butane, chemical feedstocks for facility equipment) or that dispense fuel (e.g., gasoline, diesel, compressed natural gas) for delivery vehicles provided that:
 - (1) the ASTs are located away from vehicle maintenance areas;
 - (2) there are no leaks from pipes, pumps, or other equipment that could come into contact with stormwater; and
 - (3) the ASTs are surrounded by secondary containment (e.g., impervious berm, dike, or concrete retaining structure) to prevent exposure to stormwater runoff in the event of structural failure or leaks.

ASTs that are used to directly fuel vehicles other than delivery vehicles (e.g., ASTs at airports that are used to dispense fuel to airplanes) are considered exposed.

2. Limitations on eligibility for the no-exposure exclusion:

- a. The exclusion from permit requirements is only available facility-wide, and is not available for individual buildings, or individual outfalls. Generally, if any exposed industrial materials or activities exist on any portion of a regulated facility, the facility is not eligible for the no-exposure exclusion.
- b. If a facility with a no-exposure exclusion undergoes any change that results in industrial activities or materials becoming exposed, then the exclusion ceases to apply. In such a case, the operator must obtain coverage under the MSGP or other applicable water quality permit for stormwater discharges before making any changes that will expose industrial activities or materials.
- c. If the TCEQ or EPA determines that a facility's stormwater discharges have a reasonable potential to cause or contribute to a violation of

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applicable water quality standards, then TCEQ or EPA may deny the no exposure exclusion.

The TCEQ's Small Business and Environmental Assistance (SBEA) Division developed a guidance document, entitled "Conditional No-Exposure Exclusion for Stormwater Runoff (RG-467)," for determining if a facility may claim a conditional no-exposure exclusion from permit requirements when material and activities are not located under storm resistant shelter. The guidance document provides additional information on the no-exposure conditional exclusion.

A facility that is able to meet the condition of no exposure is not prohibited from obtaining permit coverage.

C. Automatic Authorization:

The existing MSGP designates certain general warehousing facilities in Sector P, related to Land Transportation and Warehousing, that do not have any vehicle or equipment maintenance, fueling, or rehabilitation activities for automatic coverage. The general permit designates certain facilities in Sector X, related to Printing and Publishing Facilities for coverage, as well as small facilities in other sectors that are located completely inside of a private residence, a shopping mall, or office building that is not exposed to stormwater.

Operators of the following industrial facilities are designated for coverage under the general permit, and are not be required to: prepare a SWP3, submit an NOI for coverage nor an NEC form for a conditional no exposure exclusion, perform any inspections, monitoring, or representative sampling, maintain any discharge-related records, or perform any self-reporting:

1. Facilities described in Part V, Section P, related to General Warehousing and Storage (SIC 4225), that do not have areas for vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities.
2. Facilities described under Part V, Section X, that conduct publishing or design without printing.
3. Regulated facilities described in Part II, Section A, where the entire industrial activity is performed completely inside of a residential home, a shopping mall, or an office building.

Operators of the above facilities must meet all of the following requirements in order to retain the automatic authorization option and exception from permitting requirements, and must apply for coverage if any of the requirements are not met:

1. The industrial activity must not include a regulated industrial activity code (HZ, LF, SE, or TW);
2. The industrial activity must be conducted completely within fully enclosed building, such as a garage, an office building, or a retail shopping mall;
3. The regulated industrial activity must not be exposed to stormwater; and

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4. The facility operator must comply with the MSGP's Standard Permit Conditions, except that references to submittal of an NOI or an NEC form are not applicable.

If the Executive Director determines that additional controls are required other than those listed above, or if there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility otherwise eligible for automatic authorization to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

This provision is appropriate for these types of facilities, because they typically operate in such a way that industrial materials are not exposed to stormwater, and stormwater discharges are not expected to contain pollutants of concern. Facilities included under this provision of the permit are expected to contribute less pollutant loading than other facilities and it is appropriate for the TCEQ to automatically authorize these facilities. These facilities are hereby notified that they are regulated by the general permit even though they have not filed an NOI, in accordance with federal rules at 40 CFR §122.28(b)(2)(vi), and as adopted by TCEQ at 30 TAC §205.7. However, the TCEQ also recognizes that activities may occur at the site that do cause a water quality concern, in which case the TCEQ may require a facility otherwise eligible for automatic authorization to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

A facility that is able to meet the requirements for automatic authorization would not be prohibited from obtaining permit coverage or a conditional no exposure exclusion by completing the NEC (based on having no exposure) or NOI application process for coverage.

- D.** Industrial facilities that qualify for coverage under the general permit may discharge the following non-stormwater discharges through outfalls identified in the SWP3, according to the requirements of the general permit:
1. discharges from emergency firefighting activities and uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
 2. potable water sources (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
 3. lawn watering and similar irrigation drainage, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
 4. water from the routine external washing of buildings, conducted without the use of detergents or other chemicals;
 5. water from the routine washing of pavement conducted without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);

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6. uncontaminated air conditioner condensate, compressor condensate, and steam condensate, and condensate from the outside storage of refrigerated gases or liquids;
7. water from foundation or footing drains where flows are not contaminated with pollutants, such as process materials, solvents, and other pollutants;
8. uncontaminated water used for dust suppression (excludes reclaimed or reuse water used for dust suppression);
9. springs and other uncontaminated ground water;
10. incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, excluding intentional discharges of utility wastewater from the cooling tower (e.g., cooling tower blowdown); and
11. other allowable non-stormwater discharges specifically listed in individual sections of Part V of the MSGP.

The purpose of providing the list of approved non-stormwater discharges is to clarify that certain discharges that may occur during normal operations of an industrial facility or a commercial facility, and these discharges do not require additional permit coverage. Inclusion of this list in the draft general permit is not meant to prohibit the above discharges that would otherwise be allowed without a TPDES permit. In addition, a facility that has obtained a conditional exclusion from permit requirements based on no exposure may discharge the above non-stormwater flows provided they are not causing or contributing to contamination of water quality.

E. The following stormwater discharges are not eligible for general permit coverage:

1. Discharges prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) and 30 TAC Chapter 213 (relating to the Edwards Aquifer).
2. Discharges of the constituent(s) of concern to an impaired water body for which there is a TMDL implementation plan; however, the discharge may be eligible if it is consistent with the approved TMDL and the implementation plan. The TCEQ may amend the 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 permit prior to discharging.
3. Discharges from facilities that are regulated by the Railroad Commission (RRC) of Texas, including crude oil and natural gas facilities; except that the TCEQ regulates stormwater discharges from petroleum refineries, refined produce pipelines, and oil and gas field services activities that occur at a corporate headquarters or other similar base of operations, as described in the general permit. Additional information on which facilities the TCEQ regulates may be found in the Memorandum of Understanding (MOU) between the TCEQ and the RRC, 16 TAC §3.30.
4. Discharges that the TCEQ determines is causing or contributing to a receiving water not maintaining its existing uses.

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5. Discharges that the TCEQ determines would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required via an individual stormwater permit to ensure that protection of endangered species is achieved.
 6. Contact stormwater from certain facilities, as specifically described in the relevant sections of Part V of the MSGP, related to sector-specific requirements.
- F.** Facilities that dispose of stormwater by any of the following practices would not be required to obtain coverage under the MSGP nor under an individual permit:
1. Recycling of the stormwater with no resulting discharge into surface water in the state;
 2. Pumping and hauling of the stormwater to an authorized disposal facility;
 3. Discharge of the stormwater to a publicly-owned treatment works (POTW);
 4. Underground injection of the stormwater in accordance with 30 TAC Chapter 331;
 5. Discharge to above-ground storage tanks (ASTs) with no resulting discharge into surface water in the state; or
 6. Containment of all stormwater within property boundaries, with no potential to discharge into surface water in the state, either during or as the result of any storm event.

The operator of the industrial activity may be required to demonstrate, using engineering calculations or other appropriate methods, that no discharge would occur from the site as a result of any storm event(s).

IV. Permit Conditions and Effluent Limitations

A. Numeric Effluent Limitations (Industry–Specific):

1. Federal Effluent Guidelines and Standards: The MSGP includes numeric effluent limits for stormwater discharges from industrial facilities as described in EPA's effluent guidelines and standards, or effluent limitations guidelines (ELGs), in 40 Code of Federal Regulations (CFR), Subchapter N (Chapters 400-471). These discharges are also required to submit DMRs on an annual basis, consistent with federal rules at 40 CFR §122.44 (i)(3), as adopted by reference in 30 TAC §281.25.

The following industrial sectors include numeric limits based on these ELGs, and include a sampling frequency of once per year (unless otherwise described below). For pollutants with a daily average or monthly average limit, the “average” limit only applies when more than one sample is collected and analyzed in a calendar month.

- a. Sector A, Timber Products Facilities: 40 CFR Part 429, Subpart I (40 CFR §429.103), *Timber Products Processing Point Source Category, Wet Storage Subcategory*:

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Table 1. Effluent Limitations for Discharges of Wet Decking Water

Pollutant	Limitations (mg/L)
Debris	No Discharge*
pH	6 – 9 standard (std) units

*Debris includes woody material that will not pass through a one-inch diameter round opening.

- b. Sector C, Chemical and Allied Products Manufacturing Facilities: 40 CFR Part 418, Subpart A (40 CFR §418.13), *Fertilizer Manufacturing Point Source Category, Phosphate Subcategory*

Table 2. Effluent Limitations for Discharges of Contact Stormwater from Facilities that Manufacture Phosphatic Fertilizers

Pollutant	Daily Average Limitations (mg/L)	Daily Maximum Limitations (mg/L)
Phosphorus (as P)	35	105
Fluoride	25	75

- c. Sector D, Asphalt Paving and Roofing Materials and Lubricant Manufacturing Facilities: 40 CFR Part 443, Subpart A (40 CFR §443.13), *Paving and Roofing Materials (Tars and Asphalt) Point Source Category, Asphalt Emulsion Subcategory*

Table 3. Effluent Limitations for Discharges of Stormwater Runoff from Facilities that Produce Asphalt Paving and Roofing Emulsions

Pollutant	Daily Average Limitations (mg/L)	Daily Maximum Limitations (mg/L)
Total Suspended Solids (TSS)	15	23
Oil and Grease	10	15
pH	6 – 9 (std) units	6 – 9 (std) units

- d. Sector E, Glass, Clay, Cement Concrete, and Gypsum Product Manufacturing Facilities: 40 CFR Part 411, Subpart C (40 CFR §411.32), *Cement Manufacturing Point Source Category, Materials Storage Piles Runoff Subcategory*

Table 4. Effluent Limitations for Discharges of Stormwater Runoff from Material Storage Piles from Facilities that Manufacture Cement

Pollutant	Daily Maximum Limitations (mg/L)
TSS	50
pH	6 – 9 (std) units

- e. Sector J, Mineral Mining and Processing Facilities: 40 CFR Part 436, Subparts B, C, and D (40 CFR §§436.22, 436.32, and 436.42), *Mineral Mining and Processing Point Source Category: Crushed Stone Subcategory, Construction Sand and Gravel Subcategory, and Industrial Sand Subcategory*

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Table 5. Effluent Limitations for Discharges of Stormwater and Ground Water Seepage from Mine Dewatering Activities at Construction Sand and Gravel, Industrial Sand, and Crushed Stone Mining Facilities

Pollutant	Daily Average Limitations (mg/L)	Daily Maximum Limitations (mg/L)
TSS	25	45
pH	6 – 9 (std) units	6 – 9 (std) units

- f. Sector O, Steam Electric Generating Facilities: 40 CFR Part 423 [§§423.12(b)(1), (9) and (10)], *Steam Electric Power Generating Point Source Category*

Table 6. Effluent Limitations for Facilities Discharging Coal Pile Runoff

Pollutant	Daily Maximum Limitations (mg/L)
TSS	50
pH	6 – 9 (std) units

- g. Sector S, Air Transportation: 40 CFR Part 449, Subpart A (§§ 449.1 - 449.20), *Airport Deicing Point Source Category*, and Subpart B, Appendix to Part 449, *Sampling Protocol for Soluble COD*.

Table 7. Effluent Limitations for Discharges of Stormwater Runoff from Airport Deicing Activities

Pollutant	Daily Maximum Limitations (mg/L)
COD	271
Ammonia-Nitrogen	14.7

2. Other Numeric Effluent Limitations (Hazardous Metals):
- a. Effluent limits for hazardous metals are continued from the existing permit, and are consistent with TCEQ rules at 30 TAC Chapter 319, Subchapter B (related to Hazardous Metals). The monitoring frequency is once per year; therefore, only the daily maximum effluent limitations were included in the draft permit:

Table 8. Effluent limits for hazardous metals discharging into inland and tidal waters

Parameter (Total)	Discharges to Inland Waters (mg/l)	Discharges to Tidal Waters (mg/l)
Arsenic	0.3	0.3
Barium	4.0	4.0
Cadmium	0.2	0.3
Chromium	5.0	5.0
Copper	2.0	2.0
Lead	1.5	1.5
Manganese	3.0	3.0

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Parameter (Total)	Discharges to Inland Waters (mg/l)	Discharges to Tidal Waters (mg/l)
Mercury	0.01	0.01
Nickel	3.0	3.0
Selenium	0.2	0.3
Silver	0.2	0.2
Zinc	6.0	6.0

- b. The renewed permit continues the reporting requirement for facilities that discharge in excess of the following numeric effluent limitations for hazardous metals to submit DMRs on an annual basis. This requirement is according to 40 CFR §122.44 (i)(5), as adopted by reference by TCEQ, and would apply to facilities described in the permit under any of the sectors of industrial activity.

B. Stormwater Pollution Prevention Plan (SWP3, or plan):

The draft general permit continues the existing requirement to develop and implement a SWP3 to control discharges of stormwater associated with industrial activities, in accordance with NPDES stormwater regulations at 40 CFR §122.26 (b)(14)(viii), and as adopted by reference in 30 TAC §281.25(a)(4) (relating to Additional Facilities and Projects for which TPDES Permits are Required). The draft permit includes specific provisions that must be incorporated into facility's SWP3. These include, at a minimum, the following elements:

1. Establish a Stormwater Pollution Prevention Team
2. Inspect facility for non-stormwater flows (e.g., process wastewater, vehicle or equipment cleaning water, contact or noncontact cooling water, boiler blowdown, cooling tower blowdown, hydrostatic testing water, groundwater.)
3. Describe potential pollutant sources:
 - (a) List an inventory of exposed materials;
 - (b) Develop a narrative description of activities and sources that may contribute to stormwater pollution;
 - (c) Develop a site map;
 - (d) List historical spills and leaks (including reportable quantity (RQ) spills required by 30 TAC Chapter 327), and keep log of any additional spills and leaks; and
 - (e) Summarize all sampling data.
4. Describe pollution prevention measures and controls, including:
 - (a) Good Housekeeping;
 - (b) Spill Prevention and Response;
 - (c) Erosion Control;

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- (d) Maintenance program for structural controls;
- (e) BMPs used to reduce pollutants in runoff;
- (f) Employee training and education programs;
- (g) Monitoring activities; and
- (h) Records of above.

C. Additional Monitoring and Reporting: The draft general permit continues the following monitoring requirements from the existing general permit, with revisions as noted:

1. **Benchmark Monitoring and Reporting:** The draft permit continues the requirement for certain industrial sectors to collect discharge samples for comparison to benchmark levels. The draft permit revises the levels of certain benchmark parameters, Ammonia-Nitrogen, Total Suspended Solids (TSS), and Biochemical Oxygen Demand (BOD). These changes are listed below (paragraph IV.C.1.(c) of this fact sheet) and are further described in Appendix A of this fact sheet:

- (a) The draft permit requires sampling once per six months for the first two years of the permit term. Monitoring requirements begin in the first full six month period, January 1st through June 30th or July 1st through December 31st. The permittee would not be required to conduct benchmark monitoring during the third and fourth year, if the results of the first two year's monitoring are below benchmark levels. Results of monitoring for the first and second reporting years would be reported to the TCEQ; and results of monitoring for the third and fourth years would be retained on site.

If sampling is performed for a pollutant in which a waiver was obtained, and the result for that pollutant is greater than the benchmark level, then the waiver ceases for that pollutant. In addition, any waivers obtained from benchmark sampling do not affect sampling that is required to comply with numeric effluent limits in the permit.

- (b) The draft permit includes revised benchmark levels for the following pollutants, which were established based on data evaluated during the 2011 through 2014 calendar years:

Table 9. Benchmark Levels for Pollutants Evaluated in 2011 - 2014

Benchmark Parameter	2011 MSGP (mg/L)	Proposed 2016 (mg/L)
TSS	100	50, for selected activities
Ammonia-nitrogen	2.5	1.7
Biochemical Oxygen Demand (BOD ₅)	30	20

- (c) Sector-Specific Changes to Benchmark Parameters:

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Sector A (Timber Products): Lowered TSS from 100 mg/L to 50 mg/L for SIC codes (2426 – 2499),

Sector C (Chemical and Allied Products): Lowered TSS from 100 mg/L to 50 mg/L for SIC codes (2873-2879)

Sector F (Primary Metals): Lowered TSS from 100 mg/L to 50 mg/L for SIC codes (3321-3325)

Sector H (Coal Mines and Coal Mining Related Facilities): Lowered TSS from 100 mg/L to 50 mg/L for SIC codes (1221-1241)

Sector T (Treatment Works): Biochemical Oxygen Demand (BOD₅) lowered from 30 to 20 mg/L for activity codes (TW).

Sector K (Hazardous Waste Treatment, Storage, And Disposal Facilities): Ammonia-Nitrogen lowered from 2.5 to 1.7 mg/L for activity code (HZ).

Sector S (Air Transportation): Ammonia-Nitrogen lowered from 2.5 to 1.7 mg/L for SIC codes (4512- 4581).

The above changes to benchmark sampling are further described and explained in Part X.C. and Appendix A of this fact sheet.

2. Quarterly visual monitoring of discharges: The draft permit continues the existing requirement to conduct visual sampling of the discharge at least once per quarter, and adds that visual sampling is required only during normal operating hours.
3. Quarterly inspections of structural controls: The draft permit continues the existing requirement to inspect the structural controls used to control the discharge of pollutants in stormwater.
4. Annual Comprehensive Site Compliance Investigation and Report: The draft permit continues the existing requirement to perform a comprehensive site compliance evaluation and to prepare a report detailing the findings.

V. Changes From Existing General Permit:

A. The changes to the permit are listed below:

1. Changed the SIC code and sector format in Part II Section A to clarify what facilities are regulated under the general permit by adding more details to the existing SIC codes and industrial activity descriptions.
2. Added narrative and numeric effluent limitations guidelines under Part V, Sector S (Air Transportation) to include deicing requirements based on final federal Effluent Limitation Guidelines at 40 CFR Part 449 for airport and airplane deicing operations. Made adjustments to Sector S,5.(c), (d), and (f) to include language regarding factors that constrain selection and adoption of technologies

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for the control of stormwater from aircraft deicing operations. Revised Part V.S.6.7 to use the term “glycol-based chemicals” instead of “ethylene glycol-based chemicals”.

3. Revised note under Table 31 in Sector S, to use the term “pure glycol in glycol-based deicing fluids” instead of “glycol-based deicing chemical”.
4. Changes to benchmark values and sampling.

Based on Benchmark Monitoring Reports received from permittees during permit years 2011 – 2014, the following changes were made after data analysis:

- a. Lowered Ammonia Nitrogen value from 2.5 mg/L to 1.7 mg/L.
 - b. Lowered Total Suspended Solids (TSS) values from 100 mg/L to 50 mg/L for sector A (SIC codes 2426 – 2499), sector C (SIC codes 2873 – 2879), sector F (SIC codes 3321 -3325), and sector H (SIC codes 1221 – 1241).
 - c. Lowered Biochemical Oxygen Demand (BOD) values from 30 mg/L to 20 mg/L for Sector T (Activity code TW)
 - d. Added language to Part IV, Section B.1.(a) clarifying the sampling requirements for the waiver option for benchmark sampling during Years 3 and 4. If sampling during Years 1 and 2 demonstrates that the annual average result for all benchmark parameters is below the benchmark level for the regulated sector, then permittees can waiver out of sampling for Years 3 and 4.
5. Removed the terms “Stockpiled rail ties” and “metal products” from language in Part II.C.1.(b).
 6. Clarified permit language in Part V, Sector P (Land Transportation and Warehousing) regarding Petroleum Bulk Stations and Terminals with SIC code 5171, pertaining to the storage of crude oil. Modified language to clarify when permittees must be regulated under an EPA NPDES permit and when they qualify under the MSGP.
 7. Clarified permit language in Part V, Sector I (Oil and Gas Extraction Facilities) which addresses when facilities qualify for permit coverage under the EPA NPDES permit, or when they qualify under the MSGP.
 8. Clarified permit language in Part II, Section C.1(a) for above ground storage tanks (ASTs) requirements.
 9. Revised language in Part II, Section C.1(a)(8) regarding above ground storage tank (ASTs) that support facility operations.
 10. Added clarification language to Part III, Section D.1 (c) addressing how permittees should document zero rainfall totals, or no rain for sampling requirements.

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11. Added clarification to the section "Impaired Water Bodies and Total Maximum Daily Load Requirements" to address when discharges are considered discharging to an impaired water body.
12. Added clarification language to "Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements" Part II, Section B in the permit to reference not only the 303 (d) List of Impaired Waterbodies, but also the Texas Integrated Report Index of Water Quality Standards for CWA Sections 305(b) and 303(d).
13. Pursuant to the October 23, 2013 Commissioner's Order on the Livestock Manure Composting General Permit, WQG200000, the draft permit was similarly revised to clarify that an applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to denial or suspension of authorization.
14. Modified language in Part V, Sector J (Mineral Mining and Processing), section titled "Additional SWP3 Requirements" to include access and haul roads as a source of stormwater discharge.
15. Modified title in Part III, Section B.1.(c) from "Certification" to "Inspection, Documentation, and Certification of Non-stormwater Discharges".
16. Added language to Part IV, B.1 (Monitoring Periods), to clarify monitoring periods for benchmark sampling.
17. Changed title in Part IV, Section A.3. from "Pollution Prevention Team", to "Investigations of Benchmark Exceedences" to clarify the content of this section.
18. Modified language in Part II, B.7 to reference "EPA-approved TMDL" as opposed to "TCEQ approved TMDL".
19. Modified language in Part II, C.1. (Conditional No Exposure Exclusion from Permit Requirements), to include local MS4 personnel to determine facilities compliance with No Exposure Certification (NEC).
20. Revised the permit language regarding the term "Control measure" in Part III, Section B.2.(c)(5-6), to include "Structural and non-structural".
21. Revised several definitions in Part I of the draft permit:
 - a. Added definitions for the following terms: "Infeasible", "Pollutant(s) of Concern", and "Benchmark".
 - b. Updated definitions for the following terms, in Part I of the draft general permit: "Impaired Water".
 - c. Added language to the "No Exposure" definition.
21. Added language to Part III, Section A.4.(f)(1), to include employee attendance sheets as documentation in the SWP3.
22. Added reference to Part III. B.2(c) and revised B.5(b)(6)(a) language regarding incidents of non-compliance.
23. Revised language in Part III, Section B.6 regarding findings of non-compliance.

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24. Revised language in Part III.E.4.(b) regarding sampling at BMPs. Revised the language in Part III.D.2.(b)(4)(f) and (g) to use the term “substantially similar” instead of the term “substantially identical”.
25. Clarified language in Part III, Section D (4.) pertaining to temporarily suspended monitoring due to adverse conditions.
26. Expounded and clarified the list of regulated SIC codes in Part II, Section A of the draft permit to be consistent with the SIC Code Manual.
27. Revised table format of the benchmark monitoring list of parameters and values in Part IV, Section A (1)(a) to include required sectors.
28. Revised language to Part IV.B.1 and Part IV.B.1(b) regarding benchmark monitoring requirements.
29. Revised the language in Part III, Section D.2, (b)(1) to use the term “similar” consistently regarding substantially similar outfalls.
30. Revised Part V.S.6, and Parts V.s.6 (s) and (b) to use the term “primary airports”.
31. Modified Section S.6.(a)(2) and combined it with Section S.6.(b).
32. Renamed Section S.6(a) “General Requirements for the Implementation of Numeric Effluent Limitations Established in Section S.6(a) above”.
33. Revised citations in Part V Section S.6(c).
34. Revised citations in Section S.6.(b)(1), the reference was changed to: ” *as follows*”, and in Section 6.(b)(2) the reference was changed to 6.(b)(1) (a-d).
35. Replaced the word “deicing agent” with the terms “deicing chemicals” and “ADF” in Part V Section S.6(f).
36. Added certain sector-specific definitions in Part V of the draft permit to clarify the requirements of the section: Sector S – “Deicing”, “Aircraft Deicing Fluid”, “Centralized Deicing Pad”, “Heating Degree Day”, and “Primary Airport”.
37. Modified Part III, Section C (Numeric Effluent Limitations) to incorporate new Minimum Analytical Levels (MALs) found in the 2010 *Procedures to Implement Texas Surface Water Quality Standards* (IPs), effective July 2014.
38. Modified Part III, Section E (4.) (Monitoring and Sampling) to clarify where to sample for benchmark monitoring requirements.
39. Made additional changes throughout the permit that help to clarify the intent of the general permit.

VI. Addresses and Contact Information

Questions or informal comments concerning this draft general permit should be directed to:

MC 148
TCEQ, stormwater & Pretreatment Team Leader
Wastewater Permitting Section
P.O. Box 13087

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Austin, Texas 78711-3087
(512) 239- 4671
swgp@tceq.texas.gov

Comments regarding this general permit during the public comment period must be submitted either by mail to the following address, by fax followed by mail, or electronically as described below:

By Mail:

MC 105
Chief Clerk's Office (CCO)
P.O. Box 13087
Austin, Texas 78711-3087

By facsimile (fax): (512) 239-3311*

*Fax must be followed by hard copy in mail to CCO at address above within three days of fax date.

Electronically: <http://www14.tceq.texas.gov/epic/eComment/>

Questions Regarding Public Comments Should Be Directed to CCO: (512) 239-3300

Supplementary information on this fact sheet is organized as follows:

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

VII. Legal Basis

Section (§) 26.121 of the Texas Water Code (TWC) makes it unlawful to discharge pollutants into or adjacent to water in the state in the absence of authorizing permits. TWC §26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC §26.040 provides the commission with authority to amend rules adopted under §26.040 prior to amendment of the statute by House Bill (H.B.) 1542 in 1997, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the U.S. Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System (TPDES). The TCEQ and the EPA have signed a Memorandum of Agreement (MOA) that authorizes the administration of the TPDES program by the TCEQ as it applies to the State of Texas.

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Clean Water Act (CWA) Sections 301, 304, and 401 (33 United States Code 1331, 1314 and 1341) include provisions which state that TPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability, (2) comply with EPA-approved state water quality standards and (3) comply with other state requirements adopted under authority retained by states under CWA §510, 33 U.S.C. §1370.

Two types of technology-based effluent limitations must be included in the proposed general permit. With regard to conventional pollutants, CWA §301 (b)(1)(E) requires effluent limitations based on “best conventional pollution control technology” (BCT). With regard to nonconventional and toxic pollutants, CWA §301(b)(2)(A), (C), and (D) require effluent limitations based on “best available pollution control technology economically achievable” (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges before March 31, 1989 under CWA §301(b)(1)(A).

VIII. Regulatory Background

The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the Clean Water Act (CWA), prohibit the discharge of any pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Efforts to improve water quality under the NPDES program traditionally have focused on reducing pollutants in industrial process wastewater and municipal sewage treatment plant discharges. Over time, it has become evident that more diffuse sources of water pollution, such as stormwater runoff from industrial facilities, construction sites, and municipal separate storm sewer systems (MS4s) are also significant contributors to water quality problems.

EPA promulgated rules establishing requirements for discharges of stormwater runoff associated with industrial activities, at 40 CFR §122.26. These rules were subsequently adopted by reference in TCEQ rules at 30 TAC §281.25(a) and are being implemented in part through reissuance of the MSGP.

TCEQ received authority to administer the TPDES permit program in Texas, for those discharges under the regulatory authority of the agency, on September 14, 1998. Under the MOA between the two agencies, EPA agreed to continue to administer the multi-sector general permit (MSGP) permit until the September 29, 2000 expiration date. The original TPDES permit was issued on August 20, 2001, and included the Phase II rules for the NPDES stormwater permit program which were finalized on December 8, 1999. The existing MSGP, which replaced the 2008 TPDES MSGP, was issued August 14, 2011 and expires on August 14, 2016. The renewed MSGP would continue the authorization for industrial facilities in Texas for five years from the effective date of the permit.

IX. Permit Coverage

A. Scope of Permit Coverage

This general permit applies to discharges of stormwater runoff associated with industrial activity, and certain non-stormwater discharges, into surface water in the state. The

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general permit specifies which particular industrial facilities are eligible for authorization by the general permit, which must be authorized by a separate permit, and the specific conditions that must be met in order to receive an exclusion from requirements to develop a SWP3 and to submit a notice of intent. The proposed general permit would provide authority for any facility currently authorized under the TPDES permit to continue to discharge. The general permit would also continue the requirements for certain oil exploration, production, processing, or treatment operations that are controlled under the authority of the Railroad Commission of Texas (RCT) to apply to EPA and the RCT for authorization to discharge stormwater runoff associated with industrial activities.

Permit applicability is based on the facility's primary SIC code, or by a listed Industrial Activity Code, and includes stormwater discharges regulated in federal guidelines in 40 CFR Parts 400-471 (effluent limitations guidelines, or ELGs). Industrial facilities that are required to obtain authorization to discharge stormwater runoff are grouped into 30 sectors, Sectors A through AD. A facility's SIC Code is the SIC code which best describes the main activity occurring at the site. EPA provided information regarding the primary SIC code by referencing the SIC Manual. According to the EPA, the SIC Manual recommends using the value of receipts or revenues to determine the primary activity. If such information is not available for a particular facility, then number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In the case of industrial activity codes, a facility is subject to permitting requirements regardless of whether the Industrial Activity Code describes the primary activity or only a minor activity occurring at the site. If a facility conducts secondary activities that are described by an SIC code that is listed in the table, then discharges from these additional activities are described as co-located activities and must be authorized. stormwater discharges from co-located industrial activities may be authorized under the general permit, provided that the operator complies with all of the sector specific requirements defined in the general permit for each of the co-located activities. Co-located activities are only required to be permitted at a facility that is already required to be regulated based on the primary SIC code or the Industrial Activity Code.

The following industrial activities are proposed to be eligible for authorization under the draft general permit:

Table 10. SECTOR A: TIMBER PRODUCTS

SIC Code	Description of the Industrial Activity
2411	Logging
2421	Sawmills and Planning Mills, General
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431	Millwork, Veneer, Plywood, And Structural Wood

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SIC Code	Description of the Industrial Activity
2435	Hardwood Veneer and Plywood
2436	Softwood Veneer and Plywood
2439	Structural Wood Members, Not Elsewhere Classified
2441	Nailed and Lock Corner Wood Boxes and Shook
2448	Wood Pallets and Skids
2449	Wood Containers, Not Elsewhere Classified
2451	Mobile Homes
2452	Prefabricated Wood Buildings and Components
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified

Table 11. SECTOR B: PAPER AND ALLIED PRODUCTS

SIC Code	Description of the Industrial Activity
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652	Setup Paperboard Boxes
2653	Corrugated and Solid Fiber Boxes
2655	Fiber Cans, Tubes, Drums, and Similar Products
2656	Sanitary Food Containers, Except Folding sanitary cartons
2657	Folding Paperboard Boxes, Including Sanitary folding cartons
2671	Packaging Paper and Plastics Film, Coated and Laminated
2672	Coated and Laminated Paper, Not Elsewhere Classified
2673	Plastics, Foil, and Coated Paper Bags
2674	Uncoated Paper and Multiwall Bags
2675	Die-Cut Paper and Paperboard and Cardboard
2676	Sanitary Paper Products

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SIC Code	Description of the Industrial Activity
2677	Envelopes
2678	Stationery, Tablets, and Related Products
2679	Converted Paper and Paperboard Products, Not Elsewhere Classified

Table 12. SECTOR C: CHEMICAL AND ALLIED PRODUCTS

SIC Code	Description of the Industrial Activity
2812	Industrial Inorganic Chemicals Alkalies and Chlorine
2813	Industrial Inorganic Chemicals Industrial Gases
2816	Inorganic Pigments
2819	Industrial Inorganic Chemicals, Not Elsewhere Classified
2821	Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers
2822	Synthetic Rubber (Vulcanizable Elastomers)
2823	Cellulosic Manmade Fibers
2824	Manmade Organic Fibers, Except Cellulosic
2833	Medicinal Chemicals and Botanical Products
2834	Pharmaceutical Preparations
2835	In Vitro and In Vivo Diagnostic Substances
2836	Biological Products, Except Diagnostic Substances
2841	Soap & Other Detergents, Except Specialty Cleaners
2842	Specialty Cleaning, Polishing, and Sanitation Preparations
2843	Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants
2844	Perfumes, Cosmetics, and Other Toilet Preparations
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861	Gum and Wood Chemicals
2865	Cyclic Organic Crudes and Intermediates, and Organic Dyes and Pigments

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SIC Code	Description of the Industrial Activity
2869	Industrial Organic Chemicals, Not Elsewhere Classified
2873	Nitrogenous Fertilizers
2874	Phosphatic Fertilizers
2875	Fertilizers, Mixing Only Compost Fertilizers, mixed: made in plants not manufacturing fertilizer Potting soil, mixed
2879	Pesticides and Agricultural Chemicals, Not Elsewhere Classified
2891	Adhesives and Sealants
2892	Explosives
2893	Printing Ink
2895	Carbon Black
2899	Chemicals and Chemical Preparations, Not Elsewhere Classified
2911	Petroleum Refineries
3952	(Limited to List)-Inks and Paints, including: China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting; Artist's Paints, and Artist's Watercolors

Table 13. SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS

SIC Code	Description of the Industrial Activity
2951	Asphalt Paving Mixtures and Blocks
2952	Asphalt Felts and Coatings
2992	Lubricating Oils and Greases
2999	Products of Petroleum and Coal, Not Elsewhere Classified

Table 14. SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS

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SIC Code	Description of the Industrial Activity
3211	Flat Glass
3221	Glass Containers for commercial packing and bottling, and for home canning.
3229	Pressed and Blown Glass and Glassware, Not Elsewhere Classified
3231	Glass Products, Made of Purchased Glass
3241	Cement, Hydraulic
3251	Brick and Structural Clay Tile
3253	Ceramic Wall and Floor Tile
3255	Clay Refractories
3259	Structural Clay Products, Not Elsewhere Classified
3261	Vitreous China Plumbing Fixtures and China and Earthenware Fittings and Bathroom Accessories
3262	Vitreous China Table and Kitchen Articles
3263	Fine Earthenware (Whiteware) Table and Kitchen Articles
3264	Porcelain Electrical Supplies
3269	Pottery Products, Not Elsewhere Classified
3271	Concrete Block and Brick
3272	Concrete Products, Except Block and Brick
3273	Ready-Mixed Concrete
3274	Lime
3275	Gypsum Products
3281	Cut Stone and Stone Products
3291	Abrasive Products
3292	Asbestos Products
3295	Minerals and Earths, Ground or Otherwise Treated
3296	Mineral Wool
3297	Nonclay Refractories
3299	Nonmetallic Mineral Products, Not Elsewhere Classified

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Table 15. SECTOR F: PRIMARY METALS

SIC Code	Description of the Industrial Activity
3312	Steel Works, Blast Furnaces (Including Coke Ovens), and Rolling Mills
3313	Electrometallurgical Products, Except Steel
3315	Steel Wiredrawing and Steel Nails and Spikes
3316	Cold-Rolled Steel Sheet, Strip, and Bars
3317	Steel Pipe and Tubes
3321	Gray and Ductile Iron Foundries
3322	Malleable Iron Foundries
3324	Steel Investment Foundries
3325	Steel Foundries, Not Elsewhere Classified
3331	Primary Smelting and Refining of Copper
3334	Primary Production of Aluminum
3339	Primary Smelting and Refining of Nonferrous Metals, Except Copper and Aluminum
3341	Secondary Smelting and Refining of Nonferrous Metals
3351	Rolling, Drawing, and Extruding Of Copper
3353	Aluminum Sheet, Plate, and Foil
3354	Aluminum Extruded Products
3355	Aluminum Rolling and Drawing, Not Elsewhere Classified
3356	Rolling, Drawing, and Extruding of Nonferrous Metals, Except Copper and Aluminum
3357	Drawing and Insulating of Nonferrous Wire
3363	Aluminum Die-Castings
3364	Nonferrous Die-Castings, Except Aluminum
3365	Aluminum Foundries
3366	Copper Foundries
3369	Nonferrous Foundries, Except Aluminum and Copper
3398	Metal Heat Treating
3399	Primary Metal Products, Not Elsewhere Classified

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Table 16. SECTOR G: METAL MINING (ORE MINING AND DRESSING)

SIC Code	Description of the Industrial Activity
1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041	Gold Ores
1044	Silver Ores
1061	Ferroalloy Ores, Except Vanadium
1081	Metal Mining Services
1094	Uranium-Radium-Vanadium Ores
1099	Miscellaneous Metal Ores, Not Elsewhere Classified

Table 17. SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES

SIC Code	Description of the Industrial Activity
1221	Bituminous Coal and Lignite Surface Mining
1222	Bituminous Coal Underground Mining
1231	Anthracite Mining
1241	Coal Mining Services

Table 18. SECTOR I: OIL AND GAS EXTRACTION FACILITIES

SIC Code	Description of the Industrial Activity
<i>Industrial Activities Regulated under the EPA Region 6 NPDES Program:</i>	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381	Drilling Oil and Gas Wells
1382	Oil and Gas Field Exploration Services
1389	Oil and Gas Field Services, Not Elsewhere Classified (Applies to activities that occur in the field; (other than oil field service company "home base" facilities).
<i>Industrial Activities Regulated under this General Permit:</i>	

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1389	Oil and Gas Field Services, (applies to activities that do not occur in the field); Not Elsewhere Classified, that occur at a company headquarters, permanent offices, or base of operations, or at oil field service company "home base" facilities).
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Table 19. SECTOR J: MINERAL MINING AND PROCESSING FACILITIES

SIC Code	Description of the Industrial Activity
1411	Dimension Stone
1422	Crushed and Broken Limestone
1423	Crushed and Broken Granite
1429	Crushed and Broken Stone, Not Elsewhere Classified
1442	Construction Sand and Gravel
1446	Industrial Sand
1455	Kaolin and Ball Clay
1459	Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified
1474	Potash, Soda, and Borate Minerals
1475	Phosphate Rock
1479	Chemical and Fertilizer Mineral Mining, Not Elsewhere Classified
1481	Nonmetallic Minerals Services, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels

Table 20. SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Activity Code	Description of the Industrial Activity
HZ	HZ Hazardous Waste Treatment, Storage, and Disposal Facilities

Table 21. SECTOR L: LANDFILLS AND LAND APPLICATION SITES

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Activity Code	Description of the Industrial Activity
L	Landfills, Land Application Sites, and Open Dumps that Receive or Have Previously Received Industrial Waste. under subtitle C of RCRA & including those that are subject to regulation under subtitle D of RCRA

Table 22. SECTOR M: AUTOMOBILE SALVAGE YARDS

SIC Code	Description of the Industrial Activity
5015	Motor Vehicle Parts, Used

Table 23. SECTOR N: SCRAP AND WASTE RECYCLING FACILITIES

SIC Code	Description of the Industrial Activity
5093	Scrap and Waste Recycling Facilities (e.g., metals, paper, plastic, cardboard, glass, animal hides, used oil, antifreeze, mineral spirits, industrial solvents, computers, electronics, and other materials listed in the SIC Code Manual

Table 24. SECTOR O: STEAM ELECTRIC GENERATING FACILITIES

Activity Code	Description of the Industrial Activity
SE	Steam Electric Power Generating Facilities

Table 25. SECTOR P: LAND TRANSPORTATION AND WAREHOUSING

SIC Code	Description of the Industrial Activity
4011	Railroads, Line-Haul Operating
4013	Railroad Switching and Terminal Establishments
4111	Local and Suburban Transit
4119	Local Passenger Transportation, Not Elsewhere Classified
4121	Taxicabs
4131	Intercity and Rural Bus Transportation
4141	Bus charter service, local

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SIC Code	Description of the Industrial Activity
4142	Bus Charter Service, Except Local
4151	School Buses
4173	Terminal and Service Facilities for Motor Vehicle Passenger Transportation
4212	Local Trucking Without Storage
4213	Trucking, Except Local
4214	Local Trucking With Storage
4215	Courier Services, Except by Air
4221	Farm Product Warehousing and Storage
4222	Refrigerated Warehousing and Storage
4225	General Warehousing and Storage
4226	Special Warehousing and Storage, Not Elsewhere Classified
4231	Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311	United States Postal Service
5171	Petroleum Bulk stations and Terminals primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities

Table 26. SECTOR Q: WATER TRANSPORTATION

SIC Code	Description of the Industrial Activity
4412	Deep Sea Foreign Transportation of Freight
4424	Deep Sea Domestic Transportation of Freight
4449	Water Transportation of Freight, Not Elsewhere Classified
4481	Deep Sea Transportation of Passengers, Except by Ferry
4482	Ferries

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SIC Code	Description of the Industrial Activity
4489	Water Transportation of Passengers, Not Elsewhere Classified
4491	Marine Cargo Handling
4492	Towing and Tugboat Services
4493	Marinas
4499	Water Transportation Services, Not Elsewhere Classified

Table 27. SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS

SIC Code	Description of the Industrial Activity
3731	Ship Building and Repairing
3732	Boat Building and Repairing

Table 28. SECTOR S: AIR TRANSPORTATION

SIC Code	Description of the Industrial Activity
4512	Air Transportation, Scheduled
4513	Air Courier Services
4522	Air Transportation, Nonscheduled
4581	Airports, Flying Fields, and Airport Terminal Services

Table 29. SECTOR T: TREATMENT WORKS

Activity Code	Description of the Industrial Activity
TW Certain Wastewater Treatment Plants	TW Certain Wastewater Treatment Plants

Table 30. SECTOR U: FOOD AND KINDRED PRODUCTS FACILITIES

SIC Code	Description of the Industrial Activity
2011	Meat Packing Plants
2013	Sausages and Other Prepared Meat Products
2015	Poultry Slaughtering and Processing
2021	Creamery Butter
2022	Natural, Processed, and Imitation Cheese

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SIC Code	Description of the Industrial Activity
2023	Dry, Condensed, and Evaporated Dairy Products
2024	Ice Cream and Frozen Desserts
2026	Fluid Milk
2032	Canned Specialties
2033	Canned Fruits, Vegetables, Preserves, Jams, and Jellies
2034	Dried and Dehydrated Fruits, Vegetables, and Soup Mixes
2035	Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressing
2037	Frozen Fruits, Fruit Juices, and Vegetables
2038	Frozen Specialties, Not Elsewhere Classified
2041	Flour and Other Grain Mill Products
2043	Cereal Breakfast Foods
2044	Rice Milling
2045	Prepared Flour Mixes and Doughs
2046	Wet Corn Milling
2047	Dog and Cat Food
2048	Prepared Feed and Feed Ingredients for Animals and Fowls, Except Dogs and Cats
2051	Bread and Other Bakery Products, Except Cookies and Crackers
2052	Cookies and Crackers
2053	Frozen Bakery Products, Except Bread
2061	Cane Sugar, Except Refining
2062	Cane Sugar Refining
2063	Beet Sugar
2064	Candy and Other Confectionery Products
2066	Chocolate and Cocoa Products
2067	Chewing Gum
2068	Salted and Roasted Nuts and Seeds
2074	Cottonseed Oil Mills

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SIC Code	Description of the Industrial Activity
2075	Soybean Oil Mills
2076	Vegetable Oil Mills, Except Corn, Cottonseed, and Soybean
2077	Animal and Marine Fats and Oils
2079	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils, Not Elsewhere Classified
2082	Malt Beverages
2083	Malt
2084	Wines, Brandy, and Brandy Spirits
2085	Distilled and Blended Liquors
2086	Bottled and Canned Soft Drinks and Carbonated Waters
2087	Flavoring Extracts and Flavoring Syrups, Not Elsewhere Classified
2091	Canned and Cured Fish and Seafoods
2092	Prepared Fresh or Frozen Fish and Seafoods
2095	Roasted Coffee
2096	Potato Chips, Corn Chips, and Similar Snacks
2097	Manufactured Ice
2098	Macaroni, Spaghetti, Vermicelli, and Noodles
2099	Food Preparations, Not Elsewhere Classified
2111	Cigarettes
2121	Cigars
2131	Chewing and Smoking Tobacco and Snuff
2141	Tobacco Stemming and Redrying

Table 31. SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING FACILITIES

SIC Code	Description of the Industrial Activity
2211	Broadwoven Fabric Mills, Cotton
2221	Broadwoven Fabric Mills, Manmade Fiber and Silk

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SIC Code	Description of the Industrial Activity
2231	Broadwoven Fabric Mills, Wool (Including Dyeing and Finishing)
2241	Narrow Fabric and Other Smallware Mills: Cotton, Wool, Silk, and Manmade Fiber
2251	Women's Full-Length and Knee-Length Hosiery, Except Socks
2252	Hosiery, Not Elsewhere Classified
2253	Knit Outerwear Mills
2254	Knit Underwear and Nightwear Mills
2257	Weft Knit Fabric Mills
2258	Lace and Warp Knit Fabric Mills
2259	Knitting Mills, Not Elsewhere Classified
2261	Finishers of Broadwoven Fabrics of Cotton
2262	Finishers of Broadwoven Fabrics of Manmade Fiber and Silk
2269	Finishers of Textiles, Not elsewhere Classified
2273	Carpets and Rugs
2281	Yarn Spinning Mills
2282	Yarn Texturizing, Throwing, Twisting, and Winding Mills
2284	Thread Mills
2295	Coated Fabrics, Not Rubberized
2296	Tire Cord and Fabrics
2297	Non-woven Fabrics
2298	Cordage and Twine
2299	Textile goods, Not Elsewhere Classified
2311	Men's and Boys' Suits, Coats, and Overcoats
2321	Men's and Boys' Shirts, Except Work Shirts
2322	Men's and Boys' Underwear and Nightwear
2323	Men's and Boys' Neckwear
2325	Men's and Boys' Separate Trousers and Slacks

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SIC Code	Description of the Industrial Activity
2326	Men's and Boys' Work Clothing
2329	Men's and Boys' Clothing, Not Elsewhere Classified
2331	Women's, Misses', and Juniors' Blouses and Shirts
2335	Women's, Misses', and Juniors' Dresses
2337	Women's, Misses', and Juniors' Suits, Skirts, and Coats
2339	Women's, Misses', and Juniors' Outerwear, Not Elsewhere Classified
2341	Women's, Misses', Children's, and Infants' Underwear and Nightwear
2342	Brassieres, Girdles, and Allied Garments
2353	Hats, Caps, and Millinery
2361	Girls', Children's, and Infants' Dresses, Blouses, and Shirts
2369	Girls', Children's, and Infants' Outerwear, Not Elsewhere Classified
2371	Fur Goods
2381	Dress and Work Gloves, Except Knit and All-Leather
2384	Robes and Dressing Gowns
2385	Waterproof Outerwear
2386	Leather and Sheep-Lined Clothing
2387	Apparel belts
2389	Apparel and Accessories, Not Elsewhere Classified
2391	Curtains and Draperies
2392	House furnishing, Except Curtains and Draperies
2393	Textile Bags
2394	Canvas and Related Products
2395	Pleating, Decorative and Novelty Stitching, and Tucking for the Trade
2396	Automotive Trimmings, Apparel Findings, and Related Products
2397	Schiffli Machine Embroideries

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SIC Code	Description of the Industrial Activity
2399	Fabricated Textile Products, Not Elsewhere Classified
3131	Boot and Shoe Cut Stock and Findings
3142	House Slippers
3143	Men's Footwear, Except Athletic
3144	Women's Footwear, Except Athletic
3149	Footwear, Except Rubber, Not Elsewhere Classified
3151	Leather Gloves and Mittens
3161	Luggage
3171	Women's Handbags and Purses
3172	Personal Leather Goods, Except Women's Handbags and Purses
3199	Leather Goods, Not Elsewhere Classified

Table 32. SECTOR W: FURNITURE AND FIXTURES

SIC Code	Description of the Industrial Activity
2434	Wood Kitchen Cabinets
2511	Wood Household Furniture, Except Upholstered
2512	Wood Household Furniture, Upholstered
2514	Metal Household Furniture
2115	Mattresses, Foundations, and Convertible Beds
2517	Wood Television, Radio, Phonograph, and Sewing Machine Cabinets
2519	Household Furniture, Not Elsewhere Classified
2521	Wood Office Furniture
2522	Office Furniture, Except Wood
2531	Public Building and Related Furniture
2541	2541 Wood Office and Store Fixtures, Partitions, Shelving, and Lockers
2542	Office and Store Fixtures, Partitions, Shelving, and Lockers, Except Wood
2591	Drapery Hardware and Window Blinds and Shades

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SIC Code	Description of the Industrial Activity
2599	Furniture and Fixtures, Not Elsewhere Classified

Table 33. SECTOR X: PRINTING AND PUBLISHING

SIC Code	Description of the Industrial Activity
2711	Newspapers: Publishing, or Publishing and Printing
2721	Periodicals: Publishing, or Publishing and Printing
2731	Books: Publishing, or Publishing and Printing
2732	Book Printing
2741	Miscellaneous Publishing
2752	Commercial Printing, Lithographic
2754	Commercial Printing, Gravure
2759	Commercial Printing, Not Elsewhere Classified
2761	Manifold Business Forms
2771	Greeting Cards
2782	Blankbooks, Looseleaf Binders and Devices
2789	Bookbinding and Related Work
2791	Typesetting
2796	Platemaking and Related Services

Table 34. SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING FACILITIES

SIC Code	Description of the Industrial Activity
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052	Rubber and Plastics Hose and Belting
3053	Gaskets, Packing, and Sealing Devices
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods
3069	Fabricated Rubber Products, Not Elsewhere Classified
3081	Unsupported Plastics Film and Sheet
3082	Unsupported Plastics Profile Shapes

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SIC Code	Description of the Industrial Activity
3083	Laminated Plastics Plate, Sheet, and Profile Shapes
3084	Plastics Pipe
3085	Plastics Bottles
3086	Plastics Foam Products
3087	Custom Compounding of Purchased Plastics Resins
3088	Plastics Plumbing Fixtures
3089	Plastics Products, Not Elsewhere Classified
3942	Dolls and Stuffed Toys
3944	Games, Toys, and Children's Vehicles, Except Dolls and Bicycles
3949	Sporting and Athletic Goods, Not Elsewhere Classified
3951	Pens, Mechanical Pencils, and Parts
3953	Marking Devices
3955	Carbon Paper and Inked Ribbons
3961	Costume Jewelry and Costume Novelties, Except Precious Metal
3965	Fasteners, Buttons, Needles, and Pins
3991	Brooms and Brushes
3993	Signs and Advertising Specialties
3995	Burial Caskets
3996	Linoleum, Asphalted-Felt-Base, and Other Hard Surface Floor Coverings, Not Elsewhere Classified
3999	Manufacturing Industries, Not Elsewhere Classified

Table 35. SECTOR Z: LEATHER TANNING AND FINISHING

SIC Code	Description of the Industrial Activity
3111	Leather Tanning and Finishing

Table 36. SECTOR AA: FABRICATED METAL PRODUCTS FACILITIES

SIC Code	Description of the Industrial Activity
3411	Metal Cans

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SIC Code	Description of the Industrial Activity
3412	Metal Shipping Barrels, Drums, Kegs, and Pails
3421	Cutlery
3423	Hand and Edge Tools, Except Machine Tools and Handsaws
3425	Saw Blades and Handsaws
3429	Hardware, Not Elsewhere Classified
3431	Enameled Iron and Metal Sanitary Ware
3432	Plumbing Fixture Fittings and Trim
3433	Heating Equipment, Except Electric and Warm Air Furnaces
3441	Fabricated Structural Metal
3442	Metal Doors, Sash, Frames, Molding, and Trim Manufacturing
3443	Fabricated Plate Work (Boiler Shops)
3444	Sheet Metal Work
3446	Architectural and Ornamental Metal Work
3448	Prefabricated Metal Buildings and Components
3449	Miscellaneous Structural Metal Work
3451	Screw Machine Products
3452	Bolts, Nuts, Screws, Rivets, and Washers
3462	Iron and Steel Forgings
3463	Nonferrous Forgings
3465	Automotive Stampings
3466	Crowns and Closures
3469	Metal Stampings, Not Elsewhere Classified
3471	Electroplating, Plating, Polishing, Anodizing, and Coloring
3479	Coating, Engraving, and Allied Services, Not Elsewhere Classified
3482	Small Arms Ammunition
3483	Ammunition, Except for Small Arms
3484	Small Arms

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SIC Code	Description of the Industrial Activity
3489	Ordnance and Accessories, Not Elsewhere Classified
3491	Industrial Valves
3492	Fluid Power Valves and Hose Fittings
3493	Steel Springs, Except Wire
3494	Valves and Pipe Fittings, Not Elsewhere Classified
3495	Wire Springs
3496	Miscellaneous Fabricated Wire Products
3497	Metal Foil and Leaf
3498	Fabricated Pipe and Pipe Fittings
3499	Fabricated Metal Products, Not Elsewhere Classified
3911	Jewelry, Precious Metal
3914	Silverware, Plated Ware, and Stainless Steel Ware
3915	Jewelers' Findings and Materials, and Lapidary Work
3931	Musical Instruments

Table 37. SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY MANUFACTURING FACILITIES

SIC Code	Description of the Industrial Activity
3511	Steam, Gas, and Hydraulic Turbines, and Turbine Generator Set Units
3519	Internal Combustion Engines, Not Elsewhere Classified
3523	Farm Machinery and Equipment
3524	Lawn and Garden Tractors and Home Lawn and Garden Equipment
3531	Construction Machinery and Equipment
3532	Mining Machinery and Equipment, Except Oil and Gas Field Machinery and Equipment
3533	Oil and Gas Field Machinery and Equipment
3534	Elevators and Moving Stairways
3535	Conveyors and Conveying Equipment
3536	Overhead Traveling Cranes, Hoists, and Monorail Systems

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SIC Code	Description of the Industrial Activity
3537	Industrial Trucks, Tractors, Trailers, and Stackers
3541	Machine Tools, Metal Cutting Types
3542	Machine Tools, Metal Forming Types
3543	Industrial Patterns
3544	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds
3545	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices
3546	Power-Driven Hand tools
3547	Rolling Mill Machinery and Equipment
3548	Electric and Gas Welding and Soldering Equipment
3549	Metalworking Machinery, Not Elsewhere Classified
3552	Textile Machinery
3553	Woodworking Machinery
3554	Paper Industries Machinery
3555	Printing Trades Machinery and Equipment
3556	Food Products Machinery
3559	Special Industry Machinery, Not Elsewhere Classified
3561	Pumps and Pumping Equipment
3562	Ball and Roller Bearings
3563	Air and Gas Compressors
3564	Industrial and Commercial Fans and Blowers and Air Purification Equipment
3565	Packaging Machinery
3566	Speed Changers, Industrial High-Speed Drives, and Gears
3567	Industrial Process Furnaces and Ovens
3568	Mechanical Power Transmission Equipment, Not Elsewhere Classified
3569	General Industrial Machinery and Equipment, Not Elsewhere

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SIC Code	Description of the Industrial Activity
3581	Automatic Vending Machines
3582	Commercial Laundry, Drycleaning, and Pressing Machines
3585	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment
3586	Measuring and Dispensing Pumps
3589	Service Industry Machinery, Not Elsewhere Classified
3592	Carburetors, Pistons, Piston Rings, and Valves
3593	Fluid Power Cylinders and Actuators
3594	Fluid Power Pumps and Motors
3596	Scales and Balances, Except Laboratory
3599	Industrial and Commercial Machinery and Equipment, Not Elsewhere Classified
3711	Motor Vehicles and Passenger Car Bodies
3713	Truck and Bus Bodies
3714	Motor Vehicle Parts and Accessories
3715	Truck Trailers
3716	Motor Homes
3721	Aircraft
3724	Aircraft Engines and Engine Parts
3728	Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified
3743	Railroad Equipment
3751	Motorcycles, Bicycles, and Parts
3761	Guided Missiles and Space Vehicles
3764	Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts
3769	Guided Missile Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified
3792	Travel Trailers and Campers
3795	Tanks and Tank Components
3799	Transportation Equipment, Not Elsewhere Classified

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Table 38. SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS

SIC Code	Description of the Industrial Activity
3571	Electronic Computers
3572	Computer Storage Devices
3575	Computer Terminals
3577	Computer Peripheral Equipment, Not Elsewhere Classified
3578	Calculating and Accounting Machines, Except Electronic Computers
3579	Office Machines, Not Elsewhere Classified
3612	Power, Distribution, and Specialty Transformers
3613	Switchgear and Switchboard Apparatus
3621	Motors and Generators
3624	Carbon and Graphite Products
3625	Relays and Industrial Controls
3629	Electrical Industrial Apparatus, Not Elsewhere Classified
3631	Household Cooking Equipment
3632	Household Refrigerators and Home and Farm Freezers
3633	Household Laundry Equipment
3634	Electric Housewares and Fans
3635	Household Vacuum Cleaners
3639	Household Appliances, Not Elsewhere Classified
3641	Electric Lamp Bulbs and Tubes
3643	Current-Carrying Wiring Devices
3644	Noncurrent-Carrying Wiring Devices
3645	Residential Electric Lighting Fixtures
3646	Commercial, Industrial, and Institutional Electric Lighting Fixtures
3647	Vehicular Lighting Equipment

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SIC Code	Description of the Industrial Activity
3648	Lighting Equipment, Not Elsewhere Classified
3651	Household Audio and Video Equipment
3652	Phonograph Records and Prerecorded Audio Tapes and Disks
3661	Telephone and Telegraph Apparatus
3663	Radio and Television Broadcasting and Communications Equipment
3669	Communications Equipment, Not Elsewhere Classified
3671	Electron Tubes
3672	Printed Circuit Boards
3674	Semiconductors and Related Devices
3675	Electronic Capacitors
3676	Electronic Resistors
3677	Electronic Coils, Transformers, and Other Inductors
3678	Electronic Connectors
3679	Electronic Components, Not Elsewhere Classified
3691	Storage Batteries
3692	Primary Batteries, Dry and Wet
3694	Electrical Equipment for Internal Combustion Engines
3695	Magnetic And Optical Recording Media
3699	Electrical Machinery, Equipment, and Supplies, Not Elsewhere
3812	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical Systems and Instruments
3821	Laboratory Apparatus and Furniture
3822	Automatic Controls for Regulating Residential and Commercial Environments and Appliances
3823	Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products
3824	Totalizing Fluid Meters and Counting Devices
3825	Instruments for Measuring and Testing of Electricity and Electrical Signals

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SIC Code	Description of the Industrial Activity
3826	Laboratory Analytical Instruments
3827	Optical Instruments and Lenses
3929	Measuring and Controlling Devices, Not Elsewhere Classified
3841	Surgical and Medical Instruments and Apparatus
3842	Orthopedic, Prosthetic, and Surgical Appliances and Supplies
3843	Dental Equipment and Supplies
3844	X-Ray Apparatus and Tubes and Related Irradiation Apparatus
3845	Electromedical and Electrotherapeutic Apparatus
3851	Ophthalmic Goods
3861	Photographic Equipment and Supplies
3873	Watches, Clocks, Clockwork Operated Devices, and Parts

SECTOR AD: MISCELLANEOUS INDUSTRIAL ACTIVITIES

Activity Codes and Description of Industry

Limited to facilities that are designated by the executive director as needing a permit to control pollution related to stormwater discharges and that do not meet the description of an industrial activity covered by Sectors A-AC .

B. Procedures for Obtaining Permit Coverage

1. Except as described in Section IX.B.(2) below, facilities eligible for coverage under the proposed general permit would apply for coverage through submission of a notice of intent (NOI) to the Executive Director. Facilities seeking to obtain an exclusion from permit requirements based on a condition of no exposure would notify the TCEQ through submission of a No Exposure Certification (NEC) form to the Executive Director. NOTE: An NEC is effectively an alternate NOI for facilities eligible to claim a no-exposure exclusion.
2. The NOI or NEC must be signed in accordance with 30 TAC §305.44 (relating to Signatories to Application). Provisional authorization to discharge would begin seven (7) days after a completed NOI or NEC is postmarked for delivery to the TCEQ. If the NOI or NEC is submitted electronically through the STEERS system or other approved electronic means, then provisional authorization would not be applicable, and coverage would begin immediately upon receiving electronic notification from TCEQ.

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3. Designation of Permit Coverage (Automatic Authorization):
 - a. The following facilities are designated by TCEQ as requiring coverage under the MSGP, but are not required to submit an NOI for coverage, provided that certain conditions are met:
 - i. Facilities that are regulated based on their primary SIC code or industrial activity code, and that occur completely within a residential home, a shopping mall, or an office building , and that have no exposure of any regulated activity to stormwater;
 - ii. Publishing and designing companies that do not perform printing activities and that have no exposure of any regulated activity to stormwater; and
 - iii. General warehousing and storage facilities described by SIC Code 4225 that have no exposure of industrial activity to stormwater, and that have no areas used for vehicle and equipment maintenance activities, vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication, and cleaning.
 - b. The above-referenced facilities will be notified of their coverage under the general permit as part of the public notice for the draft permit, which is appropriate based on EPA rules at 40 CFR §122.28(b)(2)(vi), relating to General Permits. These designated facilities are not required to submit an NOI for coverage, but must meet the following permit requirements:
 - i. Maintain a condition which ensures that there is no exposure of industrial activities to stormwater; and
 - ii. Comply with the Standard Permit Conditions, except that references to the submittal of an NOI are not applicable.

The facility operator must apply for coverage if any of the above requirements are not met. If the TCEQ determines that additional controls are required other than those listed above, or that there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility operator to meet all permit conditions and obtain coverage through submittal of an NOI or an individual permit application. This permit condition is appropriate for the designated facilities, because they typically operate in such a way that industrial materials are not exposed to stormwater, and stormwater discharges are not expected to contain pollutants of concern. However, the Executive Director also recognizes that activities may occur at the site that do cause a water quality concern, and an NOI or an individual permit application may be required at any time
4. Review of Application: Following an administrative review of an NOI or NEC, the Executive Director will either confirm coverage (or conditional exclusion, as applicable) by providing a notification and an authorization number to the applicant or will deny coverage. If coverage is denied, then the operator must

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either submit an application for an individual permit or obtain coverage under an alternative general permit, if available. Submittal of the NOI or NEC is an acknowledgment by the applicant that the general permit applies to the proposed discharges and that the applicant agrees to comply with the terms of the permit.

5. Deadlines for Obtaining Coverage:

- a. Existing Facilities: Facilities that have coverage under the existing TPDES MSGP must re-apply within 90 days of the permit effective date to maintain continued coverage under the renewed general permit and to retain the existing authorization number.

Existing facilities that were not provisionally authorized by the existing TPDES MSGP must apply immediately.

Existing facilities that do not submit NOIs or NECs within 90 days of permit issuance will automatically be cancelled. Any forms submitted after the deadline will be processed as new applications, and a new authorization number will be assigned.

- b. New Facilities: Facilities which are new or which were not previously authorized under the existing MSGP must submit an NOI (or an NEC, if applicable) prior to the initiation of industrial activity that could result in a discharge of regulated stormwater runoff.

6. Information to be Submitted on an NOI or NEC form:

The NOI form requires, at a minimum, the following information:

- a. Operator Information: legal name and contact information
- b. Site Information:
- (1) Location (name, address, county, latitude / longitude).
 - (2) A determination of whether the site is located on Indian Land.
 - (3) The name of the receiving water(s).
 - (4) The name of the MS4 operator, if the discharge is first to an MS4
 - (5) Appropriate certification statement (for NOIs, a certification statement that a SWP3 has been developed and implemented according to the provisions of the permit; and for NECs, a certification that the facility meets a condition of no exposure as required in the MSGP)
 - (6) The primary SIC code and any other SIC code(s) or Industrial Activity Code(s) that describe additional activities that are identified in the permit as requiring permit coverage
 - (7) The industrial sector(s) of the general permit that applies to the facility

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- c. The existing TPDES authorization number (or no exposure authorization number) for existing facilities seeking to renew coverage (or the conditional exclusion from coverage)
- d. An original signature, signed according to 30 TAC §305.44 (relating to Signatories to Application).

C. Terminating Permit Coverage

A permittee may terminate coverage under the proposed permit or may terminate a no exposure authorization by submitting a notice of termination (NOT) form to the Executive Director. The NOT must be signed in accordance with 30 TAC §305.44 (relating to Signatories to Application). Authorization to discharge terminates at midnight on the day that a NOT is postmarked for delivery to the TCEQ. If TCEQ provides for electronic submission of NOTs during the term of this permit, then authorization to discharge terminates immediately following confirmation of receipt of the electronic NOT form by the TCEQ. An NOT must be submitted within 10 days after the potential to discharge stormwater associated with industrial activity has ceased or the operator obtains coverage under an individual permit or alternative general permit. See the following paragraph for a discussion on no exposure, and see paragraph D. below for information on how to process a transfer of operational control.

Changing Condition Related to Exposure: An NOT must also be submitted in order to terminate coverage or to terminate a conditional exclusion based on no exposure. If a facility changes operations such that a condition of no exposure is obtained, then the permittee must submit an NOT to terminate the original NOI before submitting an NEC. If a facility which changes conditions such that a condition of no exposure no longer exists, the permittee must submit an NOT to terminate the conditional exclusion, and must obtain coverage before discharge occurs. The only exception to this is within the first 90 days of permit issuance. If a permittee does not submit an NOT within the first 90 days of permit issuance, then the existing NOI or NEC will automatically be terminated, as stated above in Part IX.B.(1) of this fact sheet.

D. Transfer of Permit Coverage

Permit coverage may not be transferred. When a new operator assumes responsibility for a facility, a new NOI must be submitted at least 10 days before taking operational control of the facility. The previous owner or operator must terminate permit coverage within 10 days prior to the transfer of ownership or responsibility. This timeframe is required by 30 TAC §210.4(h).

E. Public Involvement

Information on the ability for the public to participate in the development and issuance of the MSGP is discussed in Part XIII of this fact sheet, *Procedures for Final Decision*.

In general, coverage is considered nonprovisional upon submittal of an application or upon meeting requirements to obtain authorization without submitting an application. Because MSGP authorizations are acted on by the Executive Director of the TCEQ, a person who does not agree with the action may file a motion to overturn the authorization, or decision, within 23 days after the application is deemed approved (See 30 TAC §50.139, related to Motion to Overturn Executive Director's Decision). In

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addition, any interested person may petition the Executive Director to require a discharger authorized by a general permit to apply for and obtain an individual TPDES permit. (See 40 CFR §122.28(b)(3)(i), which was adopted by TCEQ at 30 TAC §205.7). Examples of factors that may require a discharger to obtain an individual permit include: noncompliance with the conditions of the general permit; a change in operations since the initial application was made so that the discharger is no longer appropriately controlled under the general permit, or the discharge(s) is a significant contributor of pollutants.

X. Technology-Based Requirements

A. stormwater Pollution Prevention Plan (SWP3)

The draft general permit continues the requirement to develop and implement a SWP3 to control discharges of contact stormwater and stormwater associated with industrial activities, in accordance with NPDES stormwater regulations at 40 CFR §122.26 (b)(14)(viii), and as adopted by reference in 30 TAC Chapter 281 (relating to Applications Processing).

A SWP3 is required to be prepared and implemented for each facility covered by this permit. However, the permit also provides for shared SWP3s for collocated facilities (e.g., tenants at an industrial complex or airport). The plan must identify potential sources of pollution that may reasonably be expected to affect the quality of the discharges. The plan must describe the BMPs that are used to reduce the pollutants in stormwater, ensure the implementation of these practices, and ensure compliance with the terms and conditions of the general permit. Permittees must implement the provisions of the SWP3 as a condition of the general permit.

The draft general permit also requires that the permittees amend the plan whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants to water in the state, or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the contents of the SWP3, or in otherwise achieving the general objectives of controlling pollutants in the stormwater discharges.

The draft permit includes specific provisions which must be incorporated into a SWP3. These include, at a minimum, the following elements:

1. Establishing a pollution prevention team to oversee development and implementation of the stormwater pollution prevention plan;
2. Investigating and eliminating non-stormwater discharges that are not covered under the authority of the proposed general permit or a separate individual permit;
3. Identifying potential pollutants and sources of pollution to stormwater runoff;
4. Establishing pollution prevention measures and controls, including good housekeeping measures and other BMPs;

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5. Considering the management of runoff using BMPs such as structural controls and discharge minimization to protect the natural physical characteristics of receiving waters; and
6. Evaluating the effectiveness of the SWP3 through inspections.

B. Numeric Effluent Limitations

The draft general permit would continue the numeric effluent limitations of the current permit. The MSGP includes technology-based numeric effluent limitations for discharges subject to federally established guidelines delineated in the Code of Federal Regulations as well as technology-based numeric effluent limitations that are listed in state rules for hazardous metals. The technology-based numeric effluent limitations are proposed as follows:

1. For All Discharges - Limitations for hazardous metals delineated at 30 TAC Chapter 319 (General Regulations Incorporated into Permits), Subchapter B (Hazardous Metals). A waiver from these effluent limits will continue to be available in the proposed MSGP for one (1) or more of the regulated metals if any of the following criteria are met:
 - a. the permittee certifies that the regulated facility does not use a raw material, produce an intermediate product, or produce a final product that contains the hazardous metal(s) for which the waiver is being sought; or
 - b. the permittee certifies that any raw materials, intermediate products, or final products that contain any hazardous metal(s) are never exposed to stormwater or runoff, except that final products are not considered to expose hazardous metals to stormwater or runoff if the final product is designed for outdoor use, unless it is a product that could be transported by stormwater runoff or unless the final product will be used as a material or intermediate product (similar to the considerations for “no exposure” described in Paragraph III.B.1. of this fact sheet); or
 - c. the permittee collects a sample of the discharge from the facility, analyzes the sample for the hazardous metal(s) for which a waiver is being sought, and the results indicate that the metal(s) is/are not present in detectable levels based on the minimum analytical level (MAL).
2. For Industry-Specific Discharges Subject to Federal Categorical Effluent Limitations Guidelines (ELGs): Refer to Paragraphs IV.A.1.a through g of this fact sheet.

C. Benchmark Monitoring Requirements

The current TPDES MSGP continues a requirement from EPA’s 1995 MSGP and TCEQ’s 2001, 2006, and 2011 MSGP for certain industries to monitor for one or more specific pollutants that are generally associated with discharges from those industries. The results are then compared to a set of benchmark values to determine the relative effectiveness of the SWP3. The draft general permit retains this requirement as a method for evaluating the facility’s SWP3, but includes some modifications.

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1. Monitoring Frequency

The current MSGP requires permittees to conduct semiannual benchmark monitoring throughout the permit term, and reported by March 31st of each year following the monitoring year. The existing permit includes a waiver option, which had previously been available in the 2011 MSGP as well as in each version of EPA's MSGP. Requiring benchmark sampling allows all facilities subject to benchmark monitoring to use the data collected to ascertain whether their BMPs are continuing to be effective, and also helps TCEQ determine whether longer term trends could be established.

For this proposed MSGP, the E.D. is proposing to continue requiring benchmark monitoring semiannually during the four (4) permit years following the permit effective date, and the draft permit offers an opportunity for a facility operator to obtain a waiver from benchmark sampling. This waiver would be available for sampling years 3 and 4 if annual average sampling results for the first two (2) permit years are less than the benchmark levels. However, a waiver would not be available for any pollutant where the annual average result measured equal to or greater than the benchmark level.

2. Levels for Specific Pollutants

The levels and parameters for benchmarks in the current 2011 MSGP are based on results of benchmark values submitted to the TCEQ in calendar year 2007 and 2008. The benchmark levels proposed in the draft 2016 MSGP are based on analysis of benchmark results submitted to TCEQ during calendar years 2011, 2012, 2013, and 2014.

The results of the compiled data are described in Appendix A of this fact sheet. Based on the results, changes were made to the benchmark levels of the following pollutants: Biochemical oxygen demand (BOD), total suspended solids (TSS), and ammonia-nitrogen. The changes should provide permittees with benchmark levels that will be helpful in determining whether their BMPs are effectively reducing the level of pollutants in runoff associated with industrial activity, and how they compare with results of other dischargers.

Explanation of Revisions to Benchmark Monitoring Levels:

- a. Levels for the following pollutants were lowered from the 2011 levels based on the results of the benchmark monitoring in years 2011, 2012, 2013, and 2014:

Lowered Ammonia Nitrogen value from 2.5 mg/L to 1.7 mg/L.

Lowered Total Suspended Solids (TSS) values from 100 mg/L to 50 mg/L for sector A (SIC codes 2426 – 2499), sector C (SIC codes 2873 – 2879), sector F (SIC codes 3321 -3325), and sector H (SIC codes 1221 – 1241).

Lowered Biochemical Oxygen Demand (BOD) values from 30 mg/L to 20 mg/L for Sector T (Activity code TW)

- b. There were no changes to the following pollutants, either because the original benchmark is appropriate to continue based on the fact that it is

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based on data suggesting that the existing level is appropriate for stormwater runoff, or a sufficient number of sample points were not available to justify a change: Total aluminum, total antimony, total arsenic, total beryllium, total cadmium, total copper, total cyanide total iron, total lead, total magnesium, total mercury, total nickel, nitrate-nitrite- nitrogen, total phosphorous, total selenium, total silver, total zinc, turbidity, oil and grease, and pH.

XI. Water Quality-Based Requirements

The Texas Surface Water Quality Standards (TSWQS) are located at 30 TAC Chapter 307, and state that “surface waters will not be toxic to man, or to terrestrial or aquatic life.” The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards*, RG-194 (January 2003) is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional conditions are included in the TPDES permits, which may include discharge limitations. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity data bases to determine the adequacy of technology-based permit limits and the need for additional water-quality based controls.

TPDES stormwater permits generally do not contain numeric water-quality-based effluent limits (WQBELs). As stated in 30 TAC §307.8(e), controls on the quality of permitted stormwater discharges are largely based on implementing BMPs or technology-based limits in combination with instream monitoring to assess standards attainment and to determine whether additional controls on stormwater are needed. Properly implemented BMPs should preclude adverse water quality impacts that would impair designated uses or violate water quality standards. It has been preliminarily determined that if permit requirements are properly implemented, no significant degradation is expected and existing uses will be maintained and protected.

In certain situations, and to insure that water quality standards are being met, the TCEQ may require an individual stormwater permit of any discharger otherwise eligible for coverage under the MSGP. Examples include: a history of substantive noncompliance with the MSGP, requirements of a TMDL and Implementation Plan, or other site-specific considerations.

XII. Monitoring

Monitoring requirements are being continued from the existing permit based on TCEQ rules, TCEQ practice, EPA's existing NPDES MSGP, and best professional judgment (BPJ). Federal rules 40 CFR §122.44(i) require monitoring to be conducted for each pollutant limited in a permit to assure compliance with the permitted effluent limitations. The frequency of this monitoring may be established on a case-by-case basis, but must not be less than once per year.

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The draft general permit continues the requirement to report annually all sampling results for discharges that are subject to categorical effluent limits at 40 CFR Subpart N. This is consistent with federal rules at 40 CFR §122.44(i)(3). In addition, the draft general permit would continue the requirement to report all *violations* of non-categorical effluent limits (i.e., state-based limits) once per year, which is consistent with 40 CFR §122.44(i)(4). Results of analyses would be completed on DMR forms, and reported as described above.

XIII. Procedures for Final Decision

The MOA between the EPA and TCEQ provides that EPA has no more than 90 days to comment, object, or make recommendations to the draft general permit before it is published in the Texas Register. According to 30 TAC Chapter 205, when the draft general permit is proposed, notice must be published, at a minimum, in at least one newspaper of statewide or regional circulation. The commission may also publish notice in additional newspapers of statewide or regional circulation. Mailed notice must also be provided to the following:

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

After notice of the general permit is published in the *Texas Register* and the newspaper(s), the public will have 30 days to provide public comment on the proposed permit.

Any person, agency, or association may make a request for a public comment hearing on the proposed general permit to the Executive Director of the TCEQ before the end of the public comment period. A public comment hearing will be granted when the Executive Director or commission determines, on the basis of requests, that a significant degree of public interest in the draft general permit exists. A public comment hearing is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act. The Executive Director may call and conduct public meetings in response to public comment.

If the Executive Director calls a public meeting, the commission will give notice of the date, time, and place of the meeting, as required by commission rule. The Executive Director shall prepare a response to all significant public comments on the draft general permit raised during the public comment period. The Executive Director shall make the response available to the public. The general permit will then be filed with the commission to consider final authorization of the permit. The Executive Director's response to public comment shall be made available to the public and filed with the chief clerk at least ten (10) days before the commission acts on the general permit.

Once the draft permit is completed, it is sent to the Office of the Chief Clerk of the TCEQ. The notice is published in the Texas Register, and the draft permit is placed on the Commission's agenda. For additional information about this general permit, contact the stormwater & Pretreatment Team at (512) 239-4671.

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XIV. Administrative Record

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

A. 40 CFR Citations

40 CFR, including Parts 112, 122, 124, 136, 257, 258, 262, 263, 264, 265, 270, and Subchapter N (Parts 400-471, including 40 CFR Parts 403, 411, 418, 419, 423, 429, 434, 443, 436, 437, 440, 443, 445, 449, and 450)

B. Letters/ Memoranda/ Records of Communication

- Stormwater Stakeholder Meeting – January 8, 2015
- Water Quality Standards Review memo– April 15, 2015
- TMDL Review memo – April 20, 2015

C. Miscellaneous

1. TPDES Multi-Sector General Permit (MSGP) TXRo50000, issued July 22, 2011, and effective August 14, 2011.
2. Quality Criteria for Water (1986), EPA 440/5-86-001, 5/1/86.
3. The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Natural Resource Conservation Commission, December 1996.
4. Texas Surface Water Quality Standards - 30 TAC Sections 307.1-307.10, effective February 12, 2014, as approved by EPA Region 6.
5. *Procedures to Implement the Texas Surface Water Quality Standards*, Texas Commission on Environmental Quality, Publication RG-194, January 2012, as approved by EPA Region 6.
6. *Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits*, TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
7. *General Guidance Industrial Permits for stormwater Runoff Associated With Industrial Activity*, EPA Region 6, March 22, 1999.
8. TCEQ Rules, including: 30 TAC Chapters 39, 50, 205, 213, 281, 305, 307, 309, 311, 319, 327, 330, 332, and 335.
9. Standard Industrial Classification Manual, United States Office of Management and Budget, 1987.
10. 2012 Texas 303(d) List, Texas Commission on Environmental Quality, February 21, 2013 (approved by EPA on May 9, 2013).
11. 2014 Texas Integrated Report, Texas Commission on Environmental Quality, February 21, 2013 (approved by EPA on May 9, 2013).
12. *Development Document for Final Effluent Limitations Guidelines and Standards for the Landfills Point Source Category*, U.S. EPA Publication Number EPA-821-R-99-019, January 2000.
13. *Guidance Manual for Conditional No Exposure from stormwater Permitting Based on 'No Exposure' of Industrial Activities to stormwater*, U.S. EPA Office of Water, Publication Number EPA 833-B-00-001, June, 2000.

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14. *Conditional No-Exposure Exclusion for stormwater Runoff: A Guide for Industries Operating under the TPDES Multi-Sector General Permit, TXRo50000*, TCEQ Small Business and Environmental Assistance Division, Regulatory Guidance, RG-467, October 2013.
15. *NPDES stormwater Program Question and Answer Document, Volume 1*, U.S. EPA, 1993.

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Appendix A - Benchmark Sampling

Methods Used to Evaluate Data

The benchmark monitoring information submitted by the permitted entities from 2011-2014 was compiled in a spreadsheet. The data were divided by industrial sectors, then further into individual standard industrial classification (SIC) codes or industrial activity (AI) codes. If a benchmark result was reported as a zero or not detected (ND), the minimum analytic level (MAL) was entered as a result. If a benchmark result was reported as not sampled, not analyzed, or no qualifying rain event (NQRE), failed to sample was entered.

Data were analyzed by the type of pollutant for each group based on industry. Descriptive statistics were conducted for the following parameters: count, median, range, minimum and maximum values, standard error, standard deviation, kurtosis, skewness, quartiles and outliers. Median was the parameter used for central tendency. The range or spread, skewedness, kurtosis, quartiles and outliers were examined to further understand data distribution. Data variability was described using standard error and standard deviation. Interquartile range was calculated and used for determining minor and major outliers (using a multiplier of 1.5 and 3 to the interquartile range, respectively). Outliers were not removed from the dataset. Additionally this data was compared to the previous permit term data analysis to examine the consistency of data over time and to see if temporal trends in the data exist.

Proposed changes to the benchmarks were determined by comparing median pollutant values to the 2011 benchmarks. Median values with a deviation of 40% or greater were considered for benchmark changes (see Table 1). The 40% deviation is consistent with the standard used to determine noncompliance in permit effluent limitations.

Summary of Results

Overall data are not distributed normally, data are variable and outliers are present. The ranges of most datasets data were large, often due to extreme values (outliers). Distribution lacked symmetry. Statistical tests comparing permit years were not conducted; although data were graphed at both pollutant and sector level for better data visualization. There were no data submitted for the six pollutants (antimony, beryllium, manganese, nickel, oil and grease, and turbidity).

Of the 25 benchmark pollutants, changes were proposed for three (see Table 2). Ammonia-Nitrogen is proposed to be lowered from 2.5 to 1.7 mg/L. Ammonia-Nitrogen is proposed to being lowered to the near maximum value (second highest value). Biochemical Oxygen Demand (BOD) is proposed to be lowered from 30 to 20 mg/L. The proposed BOD limit is above both the median and mean values and well above the third quartile. Total Suspended Solids is proposed to lower four Sector/SIC codes groupings from 100 to 50 mg/L (Sector A – SIC Codes 2426-2499, Sector C – SIC Codes 2873-2879, Sector F – SIC Codes 3321-3325, and Sector H – SIC Codes 1221-1241). This value is above all median values for these

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grouping. A summary of data for each pollutant by industry sector and SIC code is provided in Table 3.

Table 1. Comparisons in percent differences between 2011 benchmarks, 2016 medians, and the percent difference in 2016 median to 2011 benchmark.

Pollutant Type	2011 Benchmark	2016 Median	Median-Benchmark % Diff
Aluminum, total;	1.2	1.16	-3.3
Ammonia-Nitrogen	2.5	0.25	-90.0
Antimony, total	0.636	no data = 0.636	0.0
Arsenic, total	0.01**	0.01	0.0
Beryllium, total	0.13	no data = 0.13	0.0
BOD ₅	30	6.12	-79.6
Cadmium, total	.001**	0.001	0.0
COD	60	56	-6.7
Copper, total	0.030	0.04	33.3
Cyanide, total	0.02	0.02	0.0
Iron, total	1.3	1.39	6.9
Lead, total	0.01	0.012	20.0
Magnesium, total	1.4	1.93	37.9
Manganese, total	1	no data = 1	0.0
Mercury, total	0.0002**	0.0002	0.0
Nickel, total	1.417	no data = 1.417	0.0
Nitrate + Nitrite Nitrogen	0.68	0.62	-8.8
Oil & Grease	10	no data = 10	0.0
Phosphorus	1.25	0.86	-31.2
pH	6.0-9.0 S.U.	7.65	0.0
Selenium, total	0.01**	0.01	0.0

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Silver, total	0.002**	0.002	0.0
TSS	50 or 100*	45.38	-9.2 or -54.6
Turbidity	5 NTU	no data = 5	0.0
Zinc, total	0.16	0.173	8.1

*The TSS benchmark is 50 mg/L for portions of Sectors A (SIC 2411, 2421), C (2812-2819), E (3251-3259), and U (2041-2048); and for all Sectors D, H, J O, Q, and AA in the 2011 MSGP.

**Sector G has different mg/L benchmark values (arsenic = 0.17 mg/L, Selenium = 0.05 mg/L, silver = 0.0318 mg/L and mercury = 0.0019 mg/L for waste, rock, and overburdened piles.)

Table 2. Multi-Sector General Permit proposed changes to the 2011 benchmarks for the 2016 permit (bolded indicates change).

Pollutant	2011 Benchmark Level	2011 Sectors Required to Monitor	2016 Proposed Level and Sectors to Monitor (Justification of change)
Aluminum, total	1.2 mg/L	C, E, F, H, M, N, Q, AA	1.2 mg/L (no change in benchmark)
Ammonia-Nitrogen	2.5 mg/L	K, S	1.7 mg/L (All data points except for one were lower than 1.7; therefore the near maximum level reported was established as the new benchmark level)
Antimony, total	0.636 mg/L	G	0.636 mg/L (no change in benchmark)
Arsenic, total	0.01** mg/L	A, K	0.01 mg/L (no change in benchmark)
Beryllium, total	0.13 mg/L	G	0.13 mg/L (no change in benchmark)
BOD₅	30mg/L	T	20 mg/L (Lowered to value 20 mg/L which above the third quartile (75%), median and average value. This value is also the 30-day effluent limitation used for domestic sewage)
Cadmium, total	.001** mg/L	G,K	0.001 mg/L (no change in benchmark)
COD, total	60 mg/L	A, B, G, K, N, S, U, AD	60 mg/L (no change in benchmark)
Copper, total	0.03 mg/L	A, F, G, N	0.03 mg/L (no change in benchmark)
Cyanide, total	0.02 mg/L	K	0.02 mg/L (no change in benchmark)
Iron, total	1.3 mg/L	C, E, F, H, L, M, N, O, Q, AA	1.3 mg/L (no change in benchmark)
Lead, total	0.01 mg/L	C, G, K, M, N, Q	0.01 mg/L (no change in benchmark)

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Magnesium, total	1.4 mg/L	K	1.4 mg/L (no change in benchmark)
Manganese, total	1 mg/L	G	1 mg/L (no change in benchmark)
Mercury, total	0.0002* mg/L	G, K	0.0002 mg/L (no change in benchmark)
Nickel, total	1.417 mg/L	G	1.417 mg/L (no change in benchmark)
Nitrate +Nitrite Nitrogen	0.68 mg/L	C, G, J, U, AA	0.68 mg/L (no change in benchmark)
Oil & Grease	10 mg/L	AD	10 mg/L (no change in benchmark)
Phosphorous	1.25 mg/L	C	1.25 mg/L (no change in benchmark)
pH	6.0-9.0 S.U.	E,G, J, S, AD	6.0-9.0 S.U. (no change in benchmark)
Selenium, total	0.01* mg/L	G, K	0.01 mg/L (no change in benchmark)
Silver, total	0.002* mg/L	G, K	0.002 mg/L (no change in benchmark)
TSS	50 mg/L	C, D, E, J, O, Q, U, AA	50 mg/L (no change in benchmark, lowered from 100 mg/L for select SIC codes: Sector A :2426-2499, Sector C:2873-2879, Sector F:3321-3325, and Sector H:1221-1241. This value is above the median value for these select SIC codes)
TSS	100 mg/L	A, C, E, F, G, H, L, M, N, U, AD	100 mg/L (no change in benchmark, see above for select SIC codes lowered to 50 mg/L)
Turbidity	5 NTU	G	5 NTU (no change in benchmark)
Zinc, total	0.16 mg/L	A, C, F, N, Q, Y, AA	0.16 mg/L (no change in benchmark)

*Sector G has different mg/L benchmark values (arsenic = 0.17, Selenium = 0.05, silver = 0.0318 and mercury = 0.00019)

Table 3. Summary of benchmark monitoring data from 2011-2014 for each pollutant, sector and SIC code.

Pollutant	Sector	SIC	Total Samples	Median (mg/L)	Current (2011) MSGP Benchmark (mg/L)	Percent deviation from 2011 Benchmark (mg/L)
Aluminum, total	C	2812-2819	117	1.153	1.2	-3.9
	E	3251-3259	12	5.5	1.2	358.3
	E	3262-3269	0	-	1.2	
	F	3312-3317	25	1.57	1.2	30.8

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	F	3321-3325	45	1.074	1.2	-10.5
	H	1221-1241	27	0.6	1.2	-50.0
	M	5015	348	1.46025	1.2	21.7
	N	5093	410	1.515	1.2	26.3
	Q	4412-4499	87	0.892	1.2	-25.7
	AA	SIC 3411-3499 (except 3479), and 3911-3915	540	0.8924	1.2	-25.6
	Median of all samples		1612	1.16	1.2	-3.3
Ammonia-Nitrogen	K	HZ	35	0.25	2.5	-90.0
	S	4512-4581	1	0.25	2.5	-90.0
	Median of all samples		37	0.25	1.2	-79.2
Arsenic, total	A	2491	21	0.01	0.01	0.0
	G	1011-1099	0	-	0.17	
	K	HZ	39	0.01	0.01	0.0
	Median of all samples		60	0.01	0.01	0.0
BOD₅	T	TW	466	6.115	30	-79.6
	Median of all samples		466	6.12	30	-79.6
Cadmium, total	G	1011-1099	0%	-	0%	
	K	HZ	39	0.001	0.001	0.0
	Median of all samples		39	0.001	0.001	0.0
COD	A	2421	39	49.65	60	-17.3
		2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499	33	44.4	60	-26.0
	B	2631	6	83.625	60	39.4
	G	1021	0	-	60	
	K	HZ	38	39.5	60	-34.2
	N	5093	402	59.67	60	-0.5
	S	4512-4581	1	74.1	60	23.5
	U	2074-2079	17	55	60	-8.3
	Median of all samples		1612	1.16	1.2	-3.3
Copper, total	A	2491	21	0.106	0.03	253.3
	F	3321-3325	42	0.026575	0.03	-11.4
	F	3351-3357	21	0.01	0.03	-66.7
	F	3363-3369	15	0.0233	0.03	-22.3
	G	1011-1099	0	-	0.03	
	N	5093	411	0.0434	0.03	44.7
	Median of all samples		510	0.04	0.03	33.3

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Cyanide, total	K	HZ	38	0.02	0.02	0.0
	Median of all samples		1612	1.16	1.2	-3.3
Iron, total	C	2812-2819	117	0.751	1.3	-42.2
	C	2873-2879	89	1.42	1.3	9.2
	E	3271-3275	147	0.93	1.3	-28.5
	F	3321-3325	42	2.93	1.3	125.4
	G	1011-1099	0	-	1.3	
	H	1221-1241	27	1	1.3	-23.1
	L	LF	214	2.05	1.3	57.7
	M	5015	347	1.366	1.3	5.1
	N	5093	404	2.345	1.3	80.4
	O	SE	120	1.461	1.3	12.4
	Q	4412-4499	67	0.975875	1.3	-24.9
	AA	SIC 3411-3499 (except 3479), and 3911-3915	525	1.3	1.3	0.0
	Median of all samples		1612	1.16	1.2	-3.3
Lead, total	C	2873-2879	94	0.005	0.01	-50.0
	G	1011-1099	0	-	0.01	
	K	HZ	40	0.009	0.01	-10.0
	M	5015	348	0.014275	0.01	42.8
	N	5093	411	0.02	0.01	100.0
	Q	4412-4499	88	0.008025	0.01	-19.8
	Median of all samples		1612	1.16	1.2	-3.3
Manganese, total	G	1011-1099	0	-	1	
	Median of all samples		1612	1.16	1.2	-3.3
Magnesium, total	K	HZ	39	1.93	1.4	37.9
	Median of all samples		1612	1.16	1.2	-3.3
Mercury, total	G	1011-1099	0	-	0.0019	
	K	HZ	38	0.0002	0.0002	0.0
	Median of all samples		1612	1.16	1.2	-3.3
Nickel, total	G	1011-1099	0	-	1.417	
	Median of all samples		1612	1.16	1.2	-3.3
Nitrate + Nitrite Nitrogen	C	2812-2819	118	0.68	0.68	0.0
	C	2841-2844	37	0.515	0.68	-24.3
	C	2873-2879	94	1.58	0.68	132.4
	G	1021			0.68	-100.0
	J	1442 and 1446	85	0.1765	0.68	-74.0
	U	2074-2079	17	0.595	0.68	-12.5
	AA	SIC 3411-3499 (except	539	0.621	0.68	-8.7

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		3479), and 3911-3915				
	AA	3479	108	0.76	0.68	11.8
	Median of all samples		1612	1.16	1.2	-3.3
Phosphorus	C	2873-2879	93	0.86	1.25	-31.2
	Median of all samples		1612	1.16	1.2	-3.3
pH	E	3251-3259	8	7.29	6.0-9.0	
	E	3271-3275	79	7.56	6.0-9.0	
	G	1011-1099	0	-	6.0-9.0	
	J	1411, 1422- 1429, and 1481	105	7.705	6.0-9.0	
	S	4512-4581	1	6.43	6.0-9.0	
	Median of all samples		1612	1.16	1.2	-3.3
Selenium, total	G	1011-1099	0	-	0.05	
	K	HZ	38	0.01	0.01	0.0
	Median of all samples		1612	1.16	1.2	-3.3
Silver, total	G	1011-1099	0	-	0.0318	
	K	HZ	37	0.002	0.002	0.0
	Median of all samples		1612	1.16	1.2	-3.3
TSS	A	2411	16	19.85	100	-80.2
	A	2421	39	45	100	-55.0
	A	2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499	34	27.275	100	-72.7
	C	2812-2819	115	40.85	50	-18.3
	C	2873-2879	89	54.2	100	-45.8
	D	2951 and 2952	94	28.95	50	-42.1
	E	3251-3259	9	216	100	116.0
	E	3262-3269	0	-	100	
	E	3271-3275	152	68.75	50	37.5
	F	3312-3317	25	103.5	100	3.5
	F	3321-3325	45	41	100	-59.0
	G	1021			100	-100.0
	H	1221-1241	27	20	100	-80.0
	J	1411, 1422- 1429, and 1481	116	30.75	50	-38.5

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Turbidity	J	1442 and 1446	98	35.225	50	-29.6
	L	LF	207	63.63	100	-36.4
	M	5015	334	54.5	100	-45.5
	N	5093	401	60.5	100	-39.5
	O	SE	121	53.3	50	6.6
	Q	4412-4499	85	41	50	-18.0
	U	2041-2048	38	48.75	50	-2.5
	U	2074-2079	17	84	100	-16.0
	AA	SIC 3411-3499 (except 3479), and 3911-3915	524	40.65	50	-18.7
	Median of all samples		1612	1.16	1.2	-3.3
	G	1011-1099	0	-	5 NTUs above background	
	Median of all samples		1612	1.16	1.2	-3.3
Zinc, total	A	2421	39	0.0458	0.16	-71.4
	C	2821-2824	69	0.16	0.16	0.0
	C	2841-2844	37	0.139	0.16	-13.1
	C	2873-2879	95	0.08	0.16	-50.0
	F	3312-3317	25	0.1462	0.16	-8.6
	F	3321-3325	45	0.151	0.16	-5.6
	F	3351-3357	21	0.184	0.16	15.0
	F	3363-3369	15	0.17	0.16	6.3
	G	1011-1099	0	-	0.16	
	N	5093	410	0.21	0.16	31.3
	Q	4412-4499	88	0.147	0.16	-8.1
	Y	3011	0	-	0.16	
	Y	3021	0	-	0.16	
	Y	3052-3053	5	0.128	0.16	-20.0
	Y	3061	3	0.2	0.16	25.0
	Y	3069	10	0.128	0.16	-20.0
	AA	SIC 3411-3499 (except 3479), and 3911-3915	547	0.1685	0.16	5.3
	AA	3479	113	0.41	0.16	156.3

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT ON TCEQ GENERAL PERMIT NO. TXR050000

Timely public comments were received from the following entities: Airlines for America (AFA), City of Amarillo (Amarillo), City of Austin – Department of Aviation (ABIA), Cantey Hanger LLP (Cantey Hanger), Dallas Area Rapid Transit (DART), Dallas-Fort Worth Airport (DFW), DiSorbo Consulting, LLC (DiSorbo), Environmental and Occupational Risk Management, Inc. (EORM), Harris County, Hensley Industries, Inc. (HI), Environment Texas, Houston Airport System (HAS), Progressive Water Solutions (PWS), Steele Environmental Services LLC (Steele), TECO-Westinghouse Motor Company (TECO), Westward Environmental, Inc. (Westward). Timely individual comments were also received from Holly Craig, Cary Karnstadt, and Michael Moore.

General Comments

Comment 1: Holly Craig and Cary Karnstadt were concerned regarding the granting of multi-sector general permit (MSGP) authorizations for industrial stormwater discharges to specific facilities.

Response 1: The process for issuing a water quality general permit does not include consideration of the issuance or potential issuance of specific authorizations under the general permit. Texas Water Code (TWC) §26.040(a) specifically authorizes TCEQ to issue general permits for the discharge of stormwater. Once the general permit is issued, all industrial activities that are required to obtain an authorization must submit a notice of intent (NOI) for coverage. Only when an NOI for coverage is submitted does TCEQ consider authorizations for specific facilities. Authorizations are issued only to those facilities who meet the requirements for coverage under the general permit. Prior to obtaining coverage under the general permit, a stormwater pollution prevention plan (SWP3) must be developed for the site.

Comment 2: Westward comments that they would like to review the draft version of the NOI associated with the new MSGP. Westward understands that the current NOI will be modified to correspond to the changes to the MSGP and requests the new NOI be provided to the regulated community by posting it on the TCEQ website.

Response 2: The NOI will be revised, as needed, and made available to the regulated community on the effective date of the permit. Currently, the NOI (Form number 10382) can be found on the TCEQ's Forms Web Page:

https://www.tceq.texas.gov/search_forms.html#number

Comment 3: Environment Texas comments that the updated MSGP should include a revised requirement for NOIs in order to provide TCEQ with more information so TCEQ can better inform permittees regarding their specific monitoring requirements. Environment Texas comments that the NOIs should also include these Environmental Protection Agency (EPA) suggested items: 1) location information for each stormwater outfall discharged from; 2) whether the facility

discharges to saltwater; 3) the hardness of the receiving water; and 4) general information from their storm water pollution prevention plan (SWP3) if the plan is not posted online. Environment Texas also notes that the following items are being required to be identified in NOIs for the 2015 EPA MSGP: 1) onsite industrial activities exposed to stormwater, including potential spill and leak areas; 2) pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and any authorized non-storm water discharges; 3) control measures employed to comply with the non-numeric technology-based effluent limits; 4) a schedule for good housekeeping and maintenance; and 5) a schedule for all inspections required by the MSGP.

Response 3: TCEQ appreciates that there is additional information from regulated industrial facilities that could be collected on the NOI form. However, TCEQ notes that the NOI for this MSGP renewal is not a part of the general permitting process and will only be finalized after the general permit is issued. As required by 30 TAC §205.4(a)(5), the NOI “shall be submitted to the executive director in a form or format that is specified in the general permit or otherwise set out in commission rules.” At a minimum, the NOI will contain 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 water(s). The NOI will also request additional information necessary to comply with the general permit. The NOI may also be modified, as necessary, during the general permit term. For example, once EPA’s new National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule is implemented, the NOI will be modified to collect additional information to comply with that rule.

Comment 4: Environment Texas comments that in an effort to provide greater transparency and public access to the SWP3, the TPDES MSGP should require that permittees provide either a web link for their SWP3 on the NOI form or provide more specific information from the SWP3 on the NOI form.

Response 4: TCEQ will continue to require facility operators to keep the SWP3 on site and have it available to TCEQ personnel for inspection. For purposes of this renewal, TCEQ is not contemplating requiring regulated entities to provide web links to SWP3s developed and implemented under the MSGP, but this option may be considered in the future.

Comment 5: Michael Moore comments that the draft MSGP is not adequately protective of Lake Austin and Lake Travis water quality areas. Mr. Moore notes that Lake Travis is designated as having “exceptional” aquatic life issues and that such water bodies require special measures. Mr. Moore recommends that individual permits be required of industrial facilities that discharge stormwater to these water bodies.

Response 5: 30 TAC Chapter 311, Watershed Protection Subchapter A allows the discharges of stormwater runoff authorized by a Texas Pollutant Discharge Elimination System (TPDES) permit or a NPDES permit. The MSGP is a TPDES permit that regulates

stormwater from industrial facilities listed in 40 CFR §122.26 (b)(14). The industries are required to use BMPs and technology-based limits that reduce pollutants to the maximum extent practicable. The MSGP is consistent with the provisions of 30 TAC Chapter 311, as well as the requirements of the TWC and the federal Clean Water Act. TCEQ declines to make the suggested changes since TCEQ already has the authority to require an application for an individual TPDES permit based on a variety of factors such as for discharges of stormwater from any industrial facility that is determined to cause a violation of water quality standards. *See Part II, Section B – Limitation on Permit Coverage.*

Comment 6: Michael Moore comments that the draft MSGP does not provide adequate public participation in the development of discharge effluent limitations, including the SWP3. Mr. Moore notes that there is no mailed or published notice of individual authorizations and that the SWP3 is not submitted to TCEQ for confirmation of its existence and adequacy. Additionally, Mr. Moore notes that the MSGP does not provide public participation in the same way as EPA's MSGP on this issue and should at least provide the equivalent process. Cary Karnstadt asks whether the MSGP renewal will be sent to all county judges, in particular, the county judges in Burnet and Travis County.

Response 6: For the MSGP, TCEQ follows the general permit requirements for public participation, public notice, public meetings, and public comments specified in TWC §26.040(b)-(d) and 30 TAC §205.3, both applicable to public notice requirements for general permits. During the general permit public participation process, the public has 30 days to submit written comments on the draft general permit. Additionally, TCEQ held a stakeholder meeting on January 8, 2015, prior to initiating the formal general permit renewal process and a public meeting on the draft general permit during the public participation period on November 16, 2015. Once an authorization under the MSGP is issued, the public has 23 days from the date of the authorization is issued to file a motion to overturn (MTO). A MTO is a request for the commission to review the executive director's approval of an authorization. *See 30 TAC § 50.139, Motion to Overturn.*

Notification of the MSGP renewal is mailed to the common address for county judges in each county in the state, including Burnet and Travis Counties.

An applicant is responsible for the development and implementation of the SWP3. The applicant submits a NOI (application for MSGP authorization) and signs the application documents according 30 TAC Chapter 305 Subchapter C (§305.44) and certifies that they have developed a SWP3 as required by the MSGP. The SWP3s must be maintained onsite and available to TCEQ for inspection and verification of permit compliance. In addition, stormwater discharges in the Edwards Aquifer Recharge Zone (such as for Williamson, Travis, and Hays counties where Lake Travis and Lake Austin are located) are required to comply with the requirements of 30 TAC Chapter 213 – Edwards Aquifer Protection Rule. *See Part II, Section B- Limitation on Permit Coverage.*

TCEQ has complied with all federal and state notice requirements. In addition, EPA Region 6 has reviewed the proposed documents and had no comments or objections in their approval letter received August 12, 2015.

Comment 7: Michael Moore comments that the mailed notice of the SWP3 should be given to nearby and downstream landowners.

Response 7: Mailed notice for individual authorizations under TCEQ general permits is not required per TWC §26.040(b) or 30 TAC §205.3. The only public notice requirements in the statutes or rules are for the general permit itself, not for the individual authorizations.

Comment 8: Michael Moore comments that the MSGP should require more frequent monitoring than once per year. Mr. Moore recommends monthly monitoring, particularly in Sector D – Asphalt, roofing materials, and lubricants.

Response 8: The monitoring requirements listed in the MSGP are consistent with the federal industrial stormwater regulations in 40 CFR Part §122.44 (Establishing limitations, standards, and other permit conditions) and Part §122.48 (Requirements for recording and reporting of monitoring results). TCEQ declines to make the suggested change.

Comment 9: Michael Moore comments that the MSGP fails to sufficiently address cumulative impacts from multiple facilities located close to each other or that are located in the same watershed. Mr. Moore comments that due to this shortcoming, the MSGP does not sufficiently implement TCEQ's Tier 2 anti-degradation policy.

Response 9: TCEQ has established that the controls for stormwater discharges in the MSGP are based on BMPs, technology-based limits, or a combination of both. The required monitoring of stormwater discharged by each facility, provides the level of stormwater treatment consistent with the provisions of the TWC and the federal Clean Water Act; and complies with 30 TAC §307.5 (Antidegradation) and 30 TAC §307.9 (Determination of Standards Attainment). In accordance with 30 TAC §307.5 and the TCEQ implementation procedures for the Texas Surface Water Quality Standards, an antidegradation review of this general permit was performed. The conditions in this general permit which include, implementation of a SWP3, routine monitoring and inspections, numeric permit limitations, industry-specific requirements, benchmark monitoring requirements, and more have been determined to be sufficient to maintain and protect existing uses and preclude degradation of waters in the state. TCEQ declines to make any revisions to the MSGP as a result of the comment.

Comment 10: Environment Texas comments that electronic reporting should be required in the updated MSGP because it will create efficiencies and reduce the burden of submitting information.

Response 10: As a result of the final NPDES Electronic Reporting Rule effective December 21, 2016, language regarding electronic reporting requirements was added to

Part II, Section. C.2.(a)(2), Part II Section C.6(c), and Part II Section C.7(b)(2) regarding submittal of application forms (see below):

Part II, Section. C.2.(a)(2):

(2) Electronic NOIs and NECs. Effective September 1, 2017, applicants must submit an NOI or NEC using the online e-permitting system available through the TCEQ website or request and obtain an electronic reporting waiver. Electronic reporting waivers are not transferrable and expire on the same date as the authorization to discharge.

Part II Section C.6(c):

(c) Effective September 1, 2017, permittees must submit an NOC using the online e-permitting system available through the TCEQ website unless the permittee obtained an electronic reporting waiver.

Part II Section C.7(b)(2):

(2) Effective September 1, 2017, permittees must submit an NOT using the online e-permitting system available through the TCEQ website unless the permittee obtained an electronic reporting waiver.

Additionally, language regarding electronic reporting requirements was added to the following sections regarding discharge monitoring reporting (DMR) requirements (see below):

Part III, Section C1.(c)(2)

(1) Effective December 21, 2016, analytical results for determining compliance with effluent limitations shall be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to the TCEQ Enforcement Division (MC-224) on a Discharge Monitoring Report form (EPA No. 3320-1).

Part III E. 6(a)(1):

(1) DMRs shall be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to the TCEQ Enforcement Division (MC-224) on a Discharge Monitoring Report form (EPA No. 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit.

These changes are consistent with the new NPDES Electronic Reporting Rule and with other general permits issued by TCEQ. Over 50% of industrial site operators already

submit applications electronically through the TCEQ's electronic reporting system (ePermits).

Part I. – Definitions

Comment 11: EORM comments that in the definition of “benchmark” there is a phrase that appears to contain an extra word or otherwise incorrectly worded: “...could point to a identify problems at the site.”

Response 11: TCEQ agrees with the comment and revised the second sentence of the definition to read as follows:

“This type of monitoring differs from “compliance monitoring” in that exceedances of the indicator or benchmark level are not permit violations, but rather indicators that can help identify problems at the site with exposed or unidentified pollutant sources; or control measures that are either not working correctly, whose effectiveness need to be re-considered, or who need to be supplemented with additional BMPs.”

Part II.A.

Comment 12: EORM comments that in Part II.A.4, it would be helpful to clarify how to address co-located industrial facilities when one or more of the facilities is an oil and gas facility, not subject to TCEQ jurisdiction.

Response 12: There are a number of scenarios that can arise that affect jurisdiction of oil and gas sites between TCEQ and the Railroad Commission of Texas (RRC). Part V.I. (Oil and Gas Extraction Facilities) lists the oil and gas standard industrial classification (SIC) codes for industrial activities that are not regulated by TCEQ. The permit explains that those industrial activities are regulated under the EPA's NPDES program and would be subject to EPA's regulations and the federal MSGP, if applicable. Where the jurisdictional boundaries are uncertain, TCEQ and RRC can address those questions on a case-by-case basis.

Part II.B.

Comment 13: In reference to Part II.B.7, TECO asks whether unnamed, intermittent tributaries are considered water bodies for purposes of the MSGP.

Response 13: Consistent with the Texas Surface Water Quality Standards (TSWQS) definition of surface water in the state, unnamed, intermittent tributaries are considered water bodies or water in the state for the purposes of this MSGP.

Comment 14: Michael Moore commented that the provision in Part II.B.7. is insufficiently protective of impaired water bodies and does not assure compliance with TCEQ's Tier 1 anti-degradation policy.

Response 14: It is unclear what aspects of B.7 the commenter considers to be insufficiently protective. The Tier 1 Antidegradation Policy found in 30 TAC

§307.5(b)(1) of the TSWQS states: “existing uses and water quality sufficient to protect those existing uses shall be maintained.” Additionally, 30 TAC §307.5(c)(2)(A) of the TSWQS states: “All pollution that could cause an impairment of water quality is subject to Tier 1 reviews. If the existing uses and criteria of a potentially affected water body have not been previously determined, then the antidegradation review must include a preliminary determination of existing uses and criteria. Existing uses must be maintained and protected.” This means that waterbodies must continue to be fishable and swimmable following permitted discharges.

Section B.7. of the MSGP states:

“Discharges of the pollutant(s) of concern to impaired water bodies where there is a TMDL are not eligible for coverage under this permit, unless they are consistent with the EPA-approved TMDL. Permittees must incorporate the limitations, conditions, and requirements applicable to their discharges, including monitoring frequency and reporting required by TCEQ rules, into their SWP3 in order to be eligible for MSGP permit coverage.”

Section B.7. contains numerous requirements for discharges into impaired waters intended to document the presence or absence of pollutant(s) of concern, detail how the pollutant(s) of concern are isolated (preventive measures), additional monitoring requirements with benchmark monitoring levels, contingency measures if pollutant(s) of concern are detected, and requirements of additional controls consistent with the Total Maximum Daily Load (TMDL) Implementation Plan.

Furthermore, TCEQ has the authority to require additional control measures as necessary, or to revoke an entity’s authorization under the MSGP and require submittal of an application for an individual TPDES permit. These conditions in the MSGP provide for numerous additional requirements for discharges to impaired waterbodies and provides reasonable assurances that when these requirements are followed, there will be adequate protection of impaired waterbodies and compliance with the Tier I Antidegradation Policy. In accordance with 30 TAC §307.5 and the TCEQ implementation procedures for the Texas Surface Water Quality Standards, an antidegradation review of this general permit was performed. The conditions in this general permit which include, implementation of a SWP3, routine monitoring and inspections, numeric permit limitations, industry-specific requirements, benchmark monitoring requirements, and more have been determined to be sufficient to maintain and protect existing uses and preclude degradation of waters in the state.

Comment 15: EORM comments that there may be some inconsistency between the wording in Part II B.7. and the definition of “impaired water” in the draft permit. EORM notes that the definition refers to an “EPA-approved or established TMDL,” and this section refers to a “TCEQ approved TMDL” and “an approved TMDL” in different locations. EORM comments that for a regulated facility to know specifically what requirements they need to address, these items should all say “EPA-approved TMDL” (as stated in the definition) since that is the final stage of TMDL development.

Response 15: TCEQ agrees with the comment and made the appropriate revisions to the wording in Part II.B.7.(a.) of the MSGP as follows:

(a) The permittee shall determine whether the permitted authorized discharge is to an impaired water body on the latest approved CWA Section 303(d) List, or waters with an EPA-approved or established total maximum daily load (TMDL) that are found on the latest EPA-approved Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d) as not meeting applicable Texas Surface Water Quality Standards.

Comment 16: EORM asks regarding Part II.B.7(c)(3) whether a regulated facility needs to address only those “pollutants of concern” that have a benchmark value. If so, EORM asks whether a facility that has a septic drain field or irrigation system and discharges stormwater to a water body that is impaired for bacteria has to address bacteria if there is no benchmark. EORM notes that B.7.(c)(3)(c) later clarifies that where a benchmark is not available, the permittee must compare the results to the water quality criteria in 30 TAC Chapter 307, or to the minimum analytical level (MAL). EORM comments that if it is intended that a facility address any pollutants of concern, and not just those applicable to activities specific to a sector, the reference to benchmark value in B.7(c)(3) should be deleted or the language should say to compare to the benchmark value, water quality criteria, or MAL.

Response 16: The SWP3 for a facility regulated under the MSGP must address all of the “pollutants of concern” that are discharged from the site and that are listed as contributing to a water quality impairment. For example, a facility that has a septic drain field or irrigation system and that also discharges stormwater to a water body that is impaired for bacteria is required to address bacteria in its SWP3 even if there is not an identified benchmark value. For existing discharges to an impaired water body with an approved TMDL, permittees must comply with any additional controls in the TMDL Implementation Plan (I-Plan). If the I-Plan does not identify monitoring requirements for the permittee, then additional monitoring is not required under Part III.B.4(a).

TCEQ declines to change or delete the reference to benchmarks in Part II.B.7(c)(3) of the MSGP, because it clarifies that where a benchmark is not available, the permittee shall compare the results to the water quality criteria in 30 TAC Chapter 307, or to the minimum analytical level (MAL).

Comment 17: Westward requests clarification of the meaning of the phrase "discharges that would adversely affect" and what documentation is required to prove that the federal Endangered Species Act is satisfied in Part II.B.10. Environment Texas comments that the MSGP should further outline procedures that operators must follow with regards to the protection of threatened or endangered species.

Response 17: A discharge that would have an adverse effect on a listed species means that the survival, reproduction, or growth of a species is affected. If it is determined that adverse effects to a listed species have occurred as a result of a discharge, a facility's authorization under the MSGP may be revoked and an application for an individual

TPDES permit required. Regardless, the permittee is subject to all applicable federal laws and regulations. There are a number of BMPs that a facility can implement to ensure protection of endangered species. These BMPs are very site-specific depending on local conditions and the species in question that is in close proximity to the outfall(s). Operators are encouraged to discuss these options with TCEQ on a case-by-case basis to determine the most protective methods available for their site-specific conditions.

Comment 18: Harris County comments that Part II.B.12. of the MSGP states that “[t]he operator may be required to demonstrate, using engineering calculations or similar methods, that the facility will not discharge stormwater associated with industrial activity.” Harris County requests the language to be modified as follows: “[t]he operator shall provide certification by a professional engineer that the facility will not discharge stormwater associated with industrial activity.” In the alternative, Harris County requests adding the following language to this section: “Upon request by TCEQ or a local pollution control agency with jurisdiction, the operator shall provide certification by a professional engineer that the facility will not discharge stormwater associated with industrial activity.”

Response 18: TCEQ declines requiring that a professional engineer certify, under seal that the facility is not discharging nor will a discharge occur in the future because the requirement creates an undue burden for the operator and it is not required by the federal regulations. This proposed requirement can be especially burdensome for small businesses. Furthermore, the TCEQ and local authorities have the ability to review documents for suitability during inspections, complaints, etc.

Part II.C.

Comment 19: In Part II.C.1.(a)(8)(c), PWS recommends removing the word “concrete” to allow other suitable structures not made of concrete, e.g. steel, fiberglass, plastic, etc.

Response 19: TCEQ declines to remove the word “concrete.” The permit does not limit the use of other types of secondary containment structures. The term “concrete retaining structure” included in the parenthesis of Part II, C.1.(a)(8)(c) is included only as an example of a type of retaining structure that may be used.

Comment 20: PWS recommends changing the phrase “are considered” to “are not considered” in the first sentence of the last paragraph of Part II.C.1.(a)(8) to make the statement consistent with earlier statements in that section.

Response 20: TCEQ agrees with the comment and revised the paragraph as suggested to read as follows:

“ASTs that dispense fuel to vehicles that are used to support the regulated facility operations are not considered exposed.”

Comment 21: Regarding Part II.C.1.(b), DART requests that stockpiled train rails and related metal products be removed from the example list of products considered

contaminant sources not eligible for a “no exposure certification”. DART comments that these items are manufactured specifically for long-term outdoor use and therefore, contradicts the statement elsewhere in the permit that allows exposure to stormwater where products are intended for outdoor use. Such exclusion would adversely affect the ability of DART and other transit agencies to effectively utilize outdoor storage. DART also contends that this prohibition is contrary to 40 CFR § 122.26(g)(2)(iii), which states that certain industrial materials and activities do not require a storm resistant shelter, unless they would be mobilized in stormwater discharges.

Response 21: TCEQ agrees with the comment and has removed the terms “stockpiled train rails” and “metal products” from Part II.C.1.(b)(2.). The terms “stockpiled train rails” and “metal products” were added during the 2011 MSGP permit renewal based on EPA’s *Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On “No Exposure” of Industrial Activities to Storm Water* (June 2000). TCEQ agrees that train rails are considered a finished product and intended for outdoor use. This revision does not conflict with 40 CFR § 122.26(g)(2)(iii) and is consistent with the EPA 2015 MSGP.

Comment 22: Amarillo comments that in Part II.C.1., quarried slabs of stone, such as marble and granite, that provide the source material for production for sale of countertops and other related products are currently required to be stored in a manner that does not expose them to stormwater runoff in order to qualify for a no exposure certification. Amarillo comments that marble and granite are found in the environment and produce no documented toxic threat to receiving waters in their natural, cut, or finished state. Amarillo requests adding a paragraph, as follows, to the list of materials and activities that are not required to be isolated from stormwater in order to meet the no exposure exclusion: “Raw or intermediate cut stone (i.e. marble, quartz, or granite) to be used to provide a finished product, provided these have been rinsed prior to outdoor storage to prevent the introduction of cutting dusts.”

Response 22: To qualify for the no-exposure exclusion all industrial materials, such as raw materials, intermediate products, by-products, final products, or waste products, and activities need to be protected by a storm resistant shelter. See 40 CFR §122.26(g). Countertops made of cut stones, such as marble and granite are considered industrial materials and are therefore required to be protected under a storm resistant shelter even though they are made of material found in the environment. Only certain final products that are intended for outdoor use do not require a storm resistance shelter. Examples of final products intended for outdoor uses are new automobiles, swing sets, wooden benches and railroad rails as discussed in a previous comment. In order to be consistent with the federal regulation and the EPA 2015 MSGP, TCEQ declines to make this suggested change.

Comment 23: Amarillo comments that the same reasoning in the previous comment applies to scrap marble and granite and that if a threat exists, it would be from cutting dust. Amarillo asks if these scraps are a threat, why is the finished stone allowed to be stored outdoors. They also asked if rinsing scrap marble and granite before storage

would be sufficient to eliminate concerns about cutting dust. Amarillo requests TCEQ consider adding a paragraph, as follows, to the list of materials and activities that are not required to be isolated from stormwater in order to meet the no exposure exclusion: “Stone cuttings (scrap material), that are of sufficient size to not be subject to mobilization by wind or stormwater discharges, that have been rinsed prior to outdoor storage.”

Response 23: The size of “scrap material” is not referenced in 40 CFR §122.26(g), only that this type of product does not qualify for the no-exposure exclusion. *See* previous comment and response. In order to remain consistent with the federal regulations, TCEQ declines to make the suggested change.

Comment 24: Amarillo comments that the signatory requirements in Part II.C.8. reference 30 TAC § 305.44, but does not reference the signatory requirements in 30 TAC § 305.128. Amarillo recommends revising the applicable language in C.8. to read: “NOI, NOT, NOC, and NEC forms must be signed according to 30 TAC § 305.44 and 30 TAC § 305.128 (relating to Signatories for Applications). Signatory authority may not be delegated to a person who does not meet the requirements listed in the referenced rule.”

Response 24: Part II.C.8. does not reference the signature requirements in 30 TAC §305.128 because this requirement applies to the signature authority for reports, such as DMRs, versus the signatory requirements in 30 TAC §305.44, which applies to signing permit applications, including general permit NOI, NOC, and NEC forms. The difference in the two provisions recognizes that the reporting functions required to meet permit requirements are generally handled at a different organizational level than the entities decision to obtain/cancel permit coverage or to make changes to permits.

Part III.A.

Comment 25: TECO recommends adding a reference in Part III.A.1.(b) to environmental management programs based on other standards or requirements. For example, some places have environmental management systems that follow international standards such as the International Organization for Standardization (ISO).

Response 25: Environmental management systems are not regulatory requirements under the NPDES/TPDES program. However, the SWP3 can refer to a certified environmental management system as additional documentation if it is implemented at a facility. No changes were made to the permit based on the comment.

Comment 26: Harris County comments that Part III.A.4.(f)(1) states that “[t]raining must be conducted at least once per year and records of training activities must be maintained in the SWP3.” Harris County requests that the language be modified as follows “...records of training activities, including employee sign-in sheets, must be maintained in the SWP3.” Harris County comments that in many instances, it is difficult for investigators to verify that the training program is being implemented without documentation of employee attendance and that the requested change will

greatly assist in the investigation process.

Response 26: TCEQ agrees with the comment. The suggested language will support TCEQ's SWP3 template, which already includes an example of employee training sign-in sheet being kept with the SWP3. EPA's guidance document for developing a SWP3 (EPA 833-B-09-002), also states that the permittee should have a sign-in sheet for each training class and maintain those sign-in sheets with their SWP3. In response to the comment, Part III.A.4.(f)(1) of the MSGP was revised as follows:

"Training must be conducted at least once per year and records of training activities and attendance lists must be maintained in the SWP3."

Part III.B.

Comment 27: Cantey Hanger notes that Part III.B.2.(c) lists the specific elements that must be included in routine quarterly inspections and requests deleting (c)(7) – "any incidents of noncompliance that are observed" from this list. Cantey Hanger comments that this deletion would avoid confusion and duplication associated with the other references in the MSGP to "issues of noncompliance" set forth in Part III.B.5(b)(6) and E.6.(b)(3).

Response 27: TCEQ declines to delete item B.2.(c)(7) from the permit, but has added clarification to Part III.B.2(c) for the purpose of identifying instances of non-compliance when performing routine facility inspections. B.2(c)(7) now reads:

"(7) any incidents of non-compliance that are observed. An incident of non-compliance is any instance where an element of the SWP3 is either not implemented, or where specific conditions of the permit are not met;"

The purpose of these quarterly routine inspections is to determine the effectiveness of the pollution prevention measures and controls set forth in Part III.A.(4). During the inspections, if any incidents of non-compliance is found, the selected BMPs must be modified appropriately to maintain compliance with this general permit. The permittee shall document the findings and modifications; and documentation must be kept onsite with the SWP3 as stated in Part III, B.2.(b) of the general permit.

Comment 28: TECO asks for a clarification of the language in Part III.B.4.(a) and requests adding language to direct the reader to Part II.B.7. for a determination.

Response 28: Part III B.4(a) already includes a reference to B.7. TCEQ believes that the requirement and reference are clear and declines to make any changes in response to the comment.

Comment 29: Cantey Hanger comments that the title of Part III.B.6. suggests that it relates to compliance and noncompliance revealed by inspections and monitoring activities described in the preceding sub-sections of Section B. Cantey Hanger notes that the last sentence in B.6. requires the permittee to submit the results of monitoring (not inspections) conducted under this permit that demonstrate noncompliance with

any permit condition, and then refers to Part III.E.6., "Reporting Requirements." Cantey Hanger comments that if the intent of the last sentence in B.6. is to require the permittee to submit only the results from those monitoring activities described in B.6., they suggest inserting the phrase "water quality and visual" in the final sentence of B.6. before the word "monitoring," in keeping with the types of monitoring described in the preceding sub- sections. Alternatively, if the intent of the last sentence of item B.6. is to require the permittee to submit the results of any water quality monitoring or inspection that demonstrates noncompliance, they request rephrasing the last sentence to read: "If the findings of the inspections and monitoring activities described in this section demonstrate noncompliance, the permittee shall submit the results to the TCEQ in accordance with Part III, Section E.6."

Response 29: Part III.B.6. relates to compliance and non-compliance revealed as a result of inspections and monitoring activities conducted by the permittee. Therefore, in response to the comment, B.6. was revised to read as follows:

"If the findings of the inspections and monitoring activities described in this section demonstrate noncompliance, the permittee shall submit the results to the TCEQ in accordance with Part III, Section E.6."

Part III.C.

Comment 30: Harris County comments that Part III.C.(1)(d) of the MSGP allows industrial facilities to qualify for a waiver from effluent limitation monitoring of one or more hazardous metals based solely on what they think constitutes their raw materials, intermediate products, or final products. Harris County requests requiring the sample collection certification in C.(1)(d)(3) of all facilities seeking a waiver for one or more hazardous metals under this provision. Harris County notes that it is often difficult and time-consuming for inspectors to verify what metals the facility may have in its materials or products; and whether they are ever exposed to storm water or runoff because it requires being present to sample during a rain event or having detailed process knowledge of a facility. Harris County states that the best way to ensure that no hazardous metals are being discharged is to require the permittee to collect a sample during the first sampling period a sample is required, analyze the sample for the hazardous metals that would be waived, and verify that the metal(s) is/are not present in detectable levels as indicated in Table 2 C.(1)(d)(3).

Response 30: The MSGP provides entities the flexibility to monitor for hazardous metals in their discharge to determine if they can qualify for a waiver. Alternatively, they can verify that they have no products containing the hazardous metals. This approach was also used in the previous two versions of the MSGP issued and is used to provide entities with the flexibility. This approach does not exclude local authorities from requesting a sample to verify a waiver is justified. Unlike the EPA's 2015 MSGP, the TCEQ allows permittees to have a waiver option for hazardous metals. No changes were made to the permit based on this comment.

Part III.D.

Comment 31: Cantey Hanger comments that the draft permit in Part III.D.2.(b)(3)(a) states that substantially similar outfalls may not be established for outfalls with any non-storm water discharges. Cantey Hanger recommends revising this statement as follows: "Substantially similar outfalls may not be established for outfalls with any non-storm water discharge, unless the non-storm water discharge is determined to be an allowable non-storm water discharge pursuant to Section II.A.6. of this general permit."

Response 31: Substantially similar outfalls need to have comparable characteristics of their drainage areas such as industrial activities and BMPs resulting in the discharges from those outfalls being substantially similar. Adding an allowable non-stormwater discharge to an outfall will generally alter the characteristics by changing the concentration of pollutants, resulting in an outfall that cannot be considered substantially similar in many cases. No changes were made to the permit based on this comment.

Comment 32: Amarillo comments that Part III.D.2.(b)(4)(f) and (g) use the term "substantially identical" instead of the term "substantially similar" that is used in the rest of this subsection. Amarillo recommends using the term "substantially similar" in (f) and (g) for consistency.

Response 32: TCEQ agrees with this comment. The recommended change was made to Part III.D.2.(b)(4)(f), and (g) of the permit.

Part III.E.

Comment 33: ABIA asks for clarification in Part III.E. regarding what noncompliance(s) must be reported. ABIA comments that by stating "any other noncompliance(s)," that seems to encompass everything including minor issues such as a paperwork error and asks whether it is the intent of TCEQ to be notified of minor incidents of non-compliance.

Response 33: "Any non-compliance" is any instance where an element of the SWP3 is not implemented, or where specific conditions of the permit are not met. In response to the comment, TCEQ clarified Part III.E.6.(b)(3) by adding a reference to Part III.B.5(b)(6) where incidents of non-compliance are described.

Comment 34: DiSorbo notes that Part III.E.4.(a) requires that benchmark samples must be collected before the discharge comes in contact with stormwater from other areas of the site. DiSorbo comments that many facilities covered by the MSGP have designed and installed drainage systems that provide treatment for stormwater discharges from both regulated and non-regulated portions of the facility at an external outfall prior to discharge. DiSorbo states that allowing permittees to collect monitoring samples at an external outfall when structural controls or BMPs provide treatment at the final outfall more accurately represent the quality of the stormwater being discharged. Requiring

multiple internal monitoring points is unduly burdensome and potentially costly to implement. DiSorbo recommends continuing to allow sampling to occur at a point downstream of all treatment, but prior to discharge.

Response 34: The comment references Part III.E.4.(a), the correct citation in the MSGP is Part III.E.4.(b) regarding stormwater commingling with other areas of the site. TCEQ agrees and made the suggested changes. Please refer to the next response to see the proposed language revisions.

Comment 35: HI opposes the addition of Part III.E.4.(b) – Benchmark Monitoring because this section implies that benchmark samples are required after each BMP and that this type of sampling should be left to the discretion of the industry as part of their investigation of benchmark value exceedances. HI and Amarillo comment that this section is incompatible with other sections of the permit, which require monitoring for benchmark parameters in discharges, only. At minimum, HI comments that this sampling requirement should be limited to structural BMPs. Amarillo states that the language concerning internal and external outfalls conflicts with the definition of outfall and discharge in the permit by associating them with the concept of internal monitoring. Amarillo comments that permittees should be free to focus monitoring on individual BMP effectiveness and be responsible for the overall basin results for each outfall as they discharge. Amarillo recommends deleting Part III.E.4.(b) and re-numbering the following sections, as appropriate.

Response 35: Benchmarks are intended to help facility operators evaluate their stormwater controls and BMPs. An exceedance of the benchmark value is not a permit violation, but an indication that there may be issues at the site that require further investigation and possible corrective action. For additional information, see EPA's Industrial Stormwater Monitoring and Sampling Guide (EPA 832-B-09-003, March 2009).

Monitoring results do not necessarily describe effectiveness of only structural controls, because good housekeeping measures and other “common sense” practices will have an impact on benchmark monitoring results as well. The sample locations can be after a BMP/ structural control or at a final outfall. The optimal location is site specific to the facility, and if the area's site and controls meet the requirements for substantially similar outfalls, then those can be used for the benchmark monitoring.

In response to the comment, Part III.E.4.(b) of the MSGP was revised as follows:

“(b) Benchmark Monitoring. This type of monitoring differs from monitoring for compliance with numeric effluent limitations. Results from benchmark monitoring are used to determine if the selected BMPs are effective. The samples should be collected from internal or external outfalls where the BMPs are installed.”

Comment 36: Amarillo comments that the current benchmark data set is based on data collected from regulated entities and is not scientifically applicable, scientifically

prudent, or proper. Amarillo also objects to lowering the benchmark standard for biological oxygen demand (BOD) from 30 mg/l to 20 mg/l, Total suspended solids (TSS) from 100 mg/l to 50 mg/l, and ammonia nitrogen from 2.5 mg/l to 1.7 mg/l because they are based on inadequate methodology. Amarillo also comments that due to regional variations in soil composition and other environmental factors statewide benchmark values are impractical and should be targeted regionally based on actual conditions. Amarillo notes that the Texas Department of Agriculture currently differentiates by region based upon the diversity of needs and special needs of the clients. Amarillo requests that TCEQ adjust benchmark values to account for regional differences or retain the benchmark values in the current version of the MSGP.

Response 36: TCEQ declines to revise the proposed benchmark values specified in the comment. The proposed benchmark values are based on a statistical analysis of benchmark monitoring data submitted by regulated entities to TCEQ during years 2011 to 2014. TCEQ assessed the data on a pollutant level across all sectors, as well as on a sector-specific level, and the resulting proposed changes to benchmark values were determined by comparing median pollutant values to the existing benchmark values. Median values with a deviation of 40% or greater were considered for benchmark values changes, a value that is consistent with the standard used to determine noncompliance in permit effluent limitations. However, analytical results that exceed a benchmark value are not in violation of the permit, but rather indicators that the selected BMPs in the SWP3 may need to be modified. It was determined that adjusting benchmarks for BOD, TSS, and ammonia nitrogen would provide corresponding regulated entities with a better indicator of the overall success of their BMPs. In addition, these values are ultimately intended to protect water quality, where the course and reach of watersheds across various regions precludes TCEQ from considering regional differences when determining sector benchmark values.

Comment 37: Cantey Hanger comments that under "Other Noncompliance" in Part III.E.6.(b)(3)(c), the draft permit states that "any other noncompliance with the permit" must be reported to the TCEQ by March 31st of the following year. Other sections of the draft permit that address a generic incident of noncompliance for the purposes of reporting are: 1) Part III.B.2.(c)(7), which addresses noncompliance observed during routine facility inspections and 2) Part III.B.6, requiring results of monitoring pursuant to Section B, which demonstrate noncompliance with any permit condition to be submitted to the TCEQ, and referring to Part III, Section E.6. However, Cantey Hanger notes that Part III.E.6.(b)(3)(c) states that the permittee may satisfy the reporting requirement in that subsection by submitting a copy of the annual comprehensive site compliance investigation (CSCE) report. If the intent of this sub-section of the permit is to require only reporting of noncompliance identified during the annual CSCE inspection, it is requested that be made clear by striking "with the general permit" in the first sentence of III.E.6.(b)(3)(c) and replacing it with "identified during the Annual CSCE inspection, as defined in Part III.B.5(b)(6)."

Response 37: In response to this and previous comments, Part III.E.6(b)(3)(c) of the MSGP was revised to refer to Part III.B.5.(b)(6)(a) as suggested. It now reads as follows:

- “c. Any other non-compliance(s) as described in Part III.B.5(b)(6)(a) must be reported to the TCEQ by March 31 following the calendar year in which the non-compliance(s) occurred.”*

The intent of E.6.(b)(3)(c) is not only to report non-compliances identified during the annual CSCE inspection, but any non-compliance at the facility.

Part IV.A.

Comment 38: Harris County comments that Part II.B.6. of the MSGP states:

“...discharges that would cause or contribute to a violation of water quality standards, or that would fail to protect and maintain existing designated uses of receiving waters are not eligible for coverage under this general permit...” and that Part IV.A.1.(a) of the MSGP states: “...analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations.” Harris County requests adding an exception to Part IV.A.1.(a) that provides if a facility exceeds a benchmark in the MSGP that is not designated as an effluent limit and/or is not listed in the water quality standards, but is determined to contribute a substantial pollutant load to a municipal separate storm sewer system (MS4) by the MS4 operator, the MS4 operator may elect to apply its own regulatory limitations by way of a local rule or ordinance to the facility. Harris County notes that in some situations the current language in Part IV.A.(1)(a) limits the effectiveness of the MS4 operator in improving stream quality where significant impacts are determined to occur from a discharge.

Response 38: As previously stated, benchmark results are used by the permittee to determine the effectiveness of the selected BMPs. Exceedances of benchmark values indicate that modifications may be necessary to the SWP3 and current BMPs. All benchmark analyses and any changes made to improve the effectiveness of selected BMPs must be documented in the SWP3. Failure to do so is a violation of the MSGP. Benchmark results are not numeric effluent limitations. Making any exceedance of a benchmark parameter a permit violation would defeat the purpose of benchmark monitoring. Local jurisdictions may choose to apply its own regulatory requirements as deemed appropriate to facilities as part of their MS4 permits. No changes were made to the permit based on this comment.

Comment 39: Harris County comments that Part IV.A.(1)(a) and Part II.B.(6) are in conflict and can pose difficulties in regulating stormwater discharges from industrial facilities. Part II.B.(6) states that “discharges that would cause or contribute to a violation of water quality standards, or that would fail to protect and maintain existing designated uses of receiving waters are not eligible for coverage under this general permit.” Part IV.A.1.(a) states that “analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric

effluent limitations.” Harris County comments that the MSGP sets the benchmark value for pH as 6.0-9.0 S.U. TCEQ surface water quality standards for some stream segments are not always 6.0-9.0 S.U. for pH. Accordingly, it is possible for a facility to be in compliance with Part IV.A.(1)(a), but in violation of Part II.B.(6). Harris County requests that the language for the benchmark parameter of pH be changed for consistency with surface water quality standards for the stream segment where the facility discharges.

Response 39: TCEQ declines to revise the benchmark parameter for pH. Benchmark values are based on results of benchmark monitoring results submitted to the TCEQ by facilities authorized under the MSGP during years 2011 to 2014. This technology-based approach reasonably assures instream compliance with Texas Surface Water Quality Standards criteria due to the relatively smaller MSGP facility discharge volumes (i.e. less than 1 million gallons per day). This conservative assumption is based on TCEQ sampling conducted throughout the state, which indicates that instream buffering quickly restores pH levels to ambient conditions. Similarly, this approach has been historically applied within EPA issued NPDES general permits where technology-based pH limits were established to be protective of water quality criteria. Therefore, although Part IV.A.(1)(a) and Part II.B.(6) may appear to allow for an opportunity to conflict when segment criteria lie outside the benchmark for pH range of 6.0 – 9.0 S.U., the nature of these discharges and the natural buffering of the receiving waters is such that discharges are not expected to cause or contribute to a violation of water quality standards.

Part IV.B.

Comment 40: PWS recommends changing the phrase “each semiannual” to “each subsequent semiannual” in Part IV.B.1. Also, in that section, PWS recommends deleting the phrase “during the next four years” to account for NOIs initiated in permit years two through five.

Response 40: TCEQ agrees with this comment and item B.1.(a) of the MSGP was revised as follows:

- (a) Benchmark monitoring must be conducted once every six months (January through June ~~or~~ July through December) following permit issuance, and then once during each subsequent semiannual monitoring period (i.e., January through June and July through December) during the remaining permit term, except that a waiver is available for the third and fourth year according to Part IV, Section B.1.(c) below.*

Comment 41: In Part IV.B.1.(b), PWS recommends changing the phrase “first six months” to “first full six months” to clarify the intent as stated in previous MSGP permits and for consistency with the 2016 MSGP Fact Sheet. Also, PWS recommends adding “(i.e. January through June)” in that same section to clarify since all renewals occur in the latter half of the year the MSGP is re-issued.

Response 41: TCEQ agrees with this comment and made the suggested changes to Part IV.B.1.(b) of the MSGP.

Comment 42: PWS recommends deleting the phrase “for a total of four (4) years, or eight (8) semiannual monitoring periods” in Part IV.B.1.(b) to account for NOIs initiated in years 2-5 of the new MSGP permit term.

Response 42: TCEQ agrees with the comment and revised the language in Part IV.B.1.(b) of the MSGP to read as follows:

“...for up to a total of four (4) years, or eight (8) semiannual monitoring periods, depending on when coverage is obtained.”

General Sector Comments

Comment 43: Steele requests that the draft permit be clarified to define a practicable path to compliance for permittees who must monitor their stormwater discharges for pH. This includes those in Sectors E, G, J, S, and AD that require pH benchmark analyses, plus those in Sectors A, D, E, J, and O that have sector-specific pH. Steele notes that Part III.E.4.(c)(2) reads: “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.” Steele is concerned that this requirement will be impracticable because it would overwhelm the available commercial laboratories and asks that TCEQ incorporate a viable on-site alternative pH analytical method for affected permittees.

Response 43: If an MSGP operator is conducting sampling and analyses for their regulated facility in order to comply with the requirements outlined in the MSGP, then the Environmental Testing Laboratory Accreditation and Certification rule provides an exclusion from National Environmental Laboratory Accreditation Program (NELAP) accreditation for on-site laboratories (see 30 TAC §25.6.1). In regards to the specific example for pH in this comment, Method 150.1 (pH – Electrometric) is an EPA approved test method for determining pH in drinking, surface, and saline waters. This method uses a hand held pH meter which can be used to test stormwater at a facility’s sample location (in the field).

Sector F

Comment 44: HI opposes halving the TSS benchmark for steel foundries from 100 mg/l to 50 mg/l. HI comments that decreasing the benchmark is unwarranted and asks what the purpose is of implementing a benchmark below a value that is presumably protective of aquatic life. HI notes that EPA and other states do not have a stricter TSS benchmark for steel foundries less than 100 mg/l.

Response 44: TCEQ declines to revise the proposed TSS benchmark value for steel foundries in Sector F. This benchmark value is based on a statistical analysis of benchmark monitoring data submitted by regulated entities to TCEQ during years 2011 to 2014. The proposed benchmark value is above the median value for sampling data

reported by this industrial activity. Based on submitted data, TCEQ determined that the adjusted value would be a more accurate indicator for permittees to assess the effectiveness of existing control measures and BMPs. Please refer to previous responses to similar comments regarding the methodology used by TCEQ to select benchmark values.

Sector P

Comment 45: EORM asks that in the case where there is a co-located industrial facility where some tenants are covered by the TPDES MSGP and others are covered by EPA's NPDES MSGP, is it acceptable to have one plan that addresses the requirements of both permits. Additionally, EORM asks if the language in this section can be clarified to answer this question.

Response 45: EPA enforces the NPDES program, while TCEQ enforces the TPDES program in Texas over activities that it has jurisdiction to regulate. The two programs may have some similar requirements, but generally have separate requirements. Therefore, having one SWP3 addressing both programs is not acceptable as it may be confusing and impracticable. TCEQ agrees that Part V.P.3.(b) should be clearer that each facility must develop its own SWP3 and the following phrase was added at the end of Part V.p.3.(b):

“If circumstances arise where a portion of a site is regulated by the TCEQ, and a portion of a site is regulated by the EPA and RRC, authorization for stormwater discharges must be obtained from the TCEQ for the TCEQ-regulated portions, and from the EPA and RRC for the RRC-regulated portions of the site, *including developing separate SWP3s.*”

Comment 46: DFW comments that Part V.P.2.(c) states that facilities described by SIC code 4225 that do not engage in vehicle maintenance or cleaning activities are not required to submit a NOI or implement a SWP3 if the facility maintains conditions of no exposure. DFW asks whether TCEQ considers occasional (e.g., monthly) onsite fueling of facility vehicles by a fuel provider based off-site in the same as permanent onsite fueling stations. Additionally, DFW asks whether the occasional onsite fueling activity conducted by a provider based off-site prevent the facility from a no exposure certification even if the fuel provider conducts the fueling activities utilizing adequate control measures.

Response 46: TCEQ does not consider occasional onsite fueling of facility vehicles at sites described by SIC code 4425 to be part of a vehicle maintenance activity when performed as a standalone activity, whether based onsite or off-site. However, vehicle fueling would be considered part of a maintenance activity if performed alongside the additional activities listed in P.2.(c). Occasional onsite fueling performed as a standalone activity would not prevent the facility from obtaining a no exposure certification when conducted utilizing control measures that prevent runoff of stormwater from the fueling area.

Sector S

Comment 47: AFA and HAS comment that the federal deicing effluent limitation guidelines (ELG) do not impose any requirements, including numeric effluent limitations, applicable to aircraft deicing operations at existing airports. The only effluent limitations established by the deicing ELG are those that apply to aircraft deicing operations for new airports. See 40 CFR §449.11(a).

Response 47: TCEQ agrees with this comment. The federal rules do not include requirements for aircraft deicing operations at existing airports. The federal rule includes requirements for aircraft deicing operations at new airports with more than 10,000 jet departures.

Comment 48: ABIA comments that there are several references to “glycol-based chemicals” that should reference “ethylene glycol-based chemicals.” AFA and HAS comment that the language referring to “glycol-based deicing chemicals” should be changed for consistency with the federal MSGP, which establishes the threshold in terms of the amount of “pure glycol” used.

Response 48: The term “glycol-based chemical” replaced the term “ethylene glycol-based chemicals” in this version of the MSGP. The term “glycol-based” is a more precise term since ingredients in deicers can be ethylene glycol or propylene glycol and the term “glycol-based” includes both of those chemicals. This is also consistent with the terms used in the federal MSGP. In response to the comment, Part V.S.7 (a) of the MSGP was revised as follows:

7. Benchmark Monitoring Requirements

(a) Benchmark monitoring is only required for permittees conducting deicing activities that have used more than 100 tons of urea, or more than 100,000 gallons of glycol-based chemicals on an average annual basis.

Additionally, in response to the comment, the term “glycol-based deicing chemical” was changed to “pure glycol in glycol-based deicing fluids” in the note under Table 31. Benchmark Monitoring Requirements for Subsections in Sector S. The current MSGP used the term “ethylene glycol” and the term “pure glycol” is more precise since it includes other forms of glycol as well. The change is also consistent with EPA’s 2015 MSGP.

As a result of the above change, the language in the note in this section appears as follows:

**For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and / or 100 tons or more of urea on an average annual basis.*

Comment 49: AFA and HAS comment that language noting there are factors that constrain selection and adoption of technologies for the control of stormwater from aircraft deicing operations should be incorporated into S.5.(c), (d), and (f).

Response 49: TCEQ agrees with the comment and to be consistent with the EPA's 2015 MSGP, the language: "where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive)" was added to Parts V.S.5.(c), (d), and (f) as follows:

Part V.S.5.(c):

"Good Housekeeping Measures. This section of the SWP3 must describe specific measures, where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive), to prevent or minimize contamination of stormwater from areas used for the maintenance, fueling, or cleaning of equipment, aircraft, and other vehicles, and for areas where aircraft deicing and anti-icing activities occur."

Part V.S.(d):

"Structural Controls. Operators that conduct deicing or anti-icing activities shall select controls, where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive), to capture and contain chemicals used in this activity. Containing activities to specific areas where runoff may be captured and either treated, hauled away for disposal or disposed of to the sanitary sewer must be considered, where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive)."

Part V.S.(f):

"Best Management Practices. Facilities that conduct deicing or anti-icing operations must evaluate operating procedures on an annual basis to consider alternative practices, where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive), that may reduce the overall amount of chemical used, or otherwise lessen the environmental impact of the pollutant."

Comment 50: DFW comments that Part V.S.5.(g)(1) requires that inspections be conducted at least once per week "during deicing or anti-icing activities in the areas where these operations take place." This could present a safety hazard because inspectors may have to be on active aircraft taxiways to conduct the sampling. DFW recommends revising this section to state: "Facility inspections must be conducted at least once per week during the deicing season in areas where deicing activities are occurring, if accessible, and/or in areas where aircraft, airfield deicing chemicals and equipment are staged." Alternatively, the language could be revised to specify that areas where these operations take place include areas at the facility that support deicing activities and areas that support the storage or management of deicing related equipment and chemicals.

Response 50: Part III.D.4 of the MSGP states that requirements to sample, inspect,

examine, or otherwise monitor stormwater discharges may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel or conditions that prohibit access to a discharge. As a response to the comment, the term “if accessible” was added to Part V.S.5.(g)(1) as follows:

“...conducted as least once per week during deicing or antiicing activities in the areas where these operations take place, if accessible.”

Comment 51: ABIA comments that in regards to “new” and “existing” airports in Part V.S.6., the word and definition reference of “primary airports” should be included as it is in EPA’s MSGP.

Response 51: TCEQ agrees with the comment and the phrase “primary airports” was added to Part V.S.6 of the MSGP in the following locations:

Part V.S.6.:

“The following numeric effluent limitations, based upon guidelines from Airport Deicing Point Source Category, 40 CFR Part 449, applies to any stormwater runoff from airport and airfield deicing activities at primary airports.”

Part V.S.6.(a):

“For new and existing primary airports with 1,000 or more jet departures....”

Part V.S.6.(a)(2)(b):

“New primary airports with 10,000 or more departures annually...”

Comment 52: AFA and HAS comment that Part V.S.6.(a)(2), which applies to “aircraft deicing,” states: “[t]here are no requirements for new or existing airports with less than 1,000 jet (non-propeller aircraft) departures per year.” AFA and HAS comment that this could be read to imply that there are effluent limitations that apply to aircraft deicing operations for existing airports with more than 1,000 jet operations per year. They note that this is particularly problematic because item S.6.(c) appears to contemplate that all airports, whether new or existing, would be required to implement technologies to achieve compliance with effluent limitations that apply to airport deicing activities. Accordingly, AFA and HAS recommend combining S.6.(a)(2) with S.6.(b) as follows:

2) Airport Deicing.

(a) Existing airports (regardless of number of jet (non-propeller) departures per year – None;

(b) New airports with less than 1,000 jet (non-propeller aircraft) departures per year – None; and

(c) New airports with more than 1,000 jet (non-propeller aircraft) departures per year, 10,000 or more departures annually and 3,000 or more heating degree days (annual).

Response 52: TCEQ agrees with the comments and item S.6.(a)(2) was combined with item S.6.(b) as follows and was renumbered as S.6.(a)2. *Aircraft Deicing*

- a. *Existing airports: There are no requirements for existing airports (regardless of number of jet (non-propeller aircraft) departures per year.*
- b. *New airports with less than 1,000 jet (non-propeller aircraft) departures per year: There are no requirements.*
- c. *New primary airports with 1,000 and more jet (non-propeller aircraft) departures per year, 10,000 or more departures annually, and 3,000 or more heating degree days (annual) have the the following requirements:*
 - (a) *At least 60% of available aircraft deicing fluid (ADF) must be collected; and*
 - (b) *The discharge must meet the numeric effluent limitations below. The effluent limitation must be met at the location where the effluent leaves the onsite treatment system utilized for meeting these requirements and before commingling with any non-deicing discharges.*

Comment 53: ABIA comments that item Part V.S.6. is labeled numeric effluent limitations, but that only 6(a) and (b) are actually related to numeric effluent limitations. ABIA states that it is unclear whether 6(c) through (g) are required for all airports with deicing activities or just those subject to the numeric effluent limitations.

Response 53: Part V.S.6(c) through 6(g) of the MSGP are related to requirements under Section 6 - Numeric Effluent Limitation and applies only to airports subject to numeric effluent limitations. These sections were included to match other sectors in the MSGP that also include requirements related to monitoring for numeric effluent limitations.

Comment 54: AFA and HAS recommend changing the title of Part V.S.6.(b) as follows to avoid the implication and align the text with the intent of the section: “(b) General Requirements for the Implementation of Numeric Effluent Limitations Established in Section S.(6)(a).” The re-designation of this section as (b) assumes that the recommendation of AFA and HAS to combine S.6.(a)(2) and S.6.(b)(2) is adopted.

Response 54: TCEQ agrees with the comment, and Section 6(b) was renamed as suggested and items S.6.(a)(2) and S.6.(b)(2) were combined as described above. Based on the comments the first sentence in item S.6.(b) was changed as follows:

“(b) General Requirements for the Implementation of Numeric Effluent Limitations Established in item S.(6)(a) above.”

Comment 55: DFW notes that Part V.S.6.(c) cites the record keeping requirements in “Part V., Section S.6.(c)(2) above” and questions whether the correct citation should be Part V.S.5.(b)(2). ABIA, AFA, and HAS note that the reference to “Part V.S.(c)(2) above”

is incorrect.

Response 55: TCEQ agrees with the comment and the citation was changed to Part V., Section S.(6)(a).

Comment 56: AFA and HAS comment that this section should only apply to new airports, not existing ones. Part V.S.6.(c)(1) references “centralized deicing pads.” AFA, HAS, ABIA, and DFW ask whether this applies to both new and existing airports. ABIA does not have a decentralized deicing pad at this time, but plans to add one in the future using the existing infrastructure. ABIA also asks whether (c)(2) applies to both new and existing airports. DFW recommends moving this requirement to S.6.(b) if this is intended to only apply to new airports.

Response 56: Part V.S.6.(c)(1) that references “centralized deicing pads” only applies to new airports with more than 10,000 annual departures and 3,000 or more heating degree days (annual). To clarify this as previously stated, Part V.S.6.(b) General Requirements was revised to: “General Requirements for the Implementation of Numeric Effluent Limitations Established in Section S.(6)(a) above.”

Comment 57: ABIA, AFA, DFW, and HAS comment that Part V.S.6.(c), (c)(1), (c)(2), and (c)(2)(a) reference Part V.S.(d)(2)(a-d), which do not exist. AFA and HAS comment that because of the incorrect citations, they request that the Commission fix the cross-references and then provide an opportunity for the public to review and comment on the corrected materials and any other affected portions of the proposed MSGP.

Response 57: TCEQ agrees with the comment and corrected the references. In Part V.6.(b)(1) the reference was changed to: “*as follows*”, and in S.6.(b)(2) (renamed from S.6.(c)(2) based on a previous comment) the reference was changed to S.6.(b)(1)(a-d). Based on the comment the first paragraph in S.6.(b)(1) and the first paragraph in S.6.(b)(2) read as follows:

6.(b)(1)The permittee shall maintain records to demonstrate, and certify annually, that it is operating and maintaining one or more centralized deicing pads. This technology shall be operated and maintained according to the technical specifications as follows:

6.(b)(2) Alternative technology or specifications. This general permit may allow one of the following alternative procedures for demonstrating compliance with its collection requirement, instead of the procedure mentioned above in Part V. item S.6.(b)(1)(a-d) of the section above.

(a)Using a different ADF collection technology from the centralized deicing pad technology specified in Part V. item S.6.(b)(1)(a-d) of this section; or

(b)Using the same ADF collection technology, but with different specifications for operation and/or maintenance.

TCEQ declines to re-notice the entire MSGP based on incorrect references in a single sector of the permit. TCEQ regrets the error and any confusion this may have caused,

but considers the incorrect references in Sector S to be non-substantive, since it clearly referred to a part “of this section.”

Comment 58: ABIA comments that item Part V.S.6.(c)(2) allows alternative procedures for demonstrating compliance and asks whether there will be an approval process for such alternative procedures and what alternative procedures will be allowed.

Response 58: It is not TCEQ’s intent to approve alternate procedures for demonstrating compliance with permit requirements related to aircraft deicing fluids (ADF) under this general permit. Permittees are required to use best professional judgement when selecting alternative procedures to ensure permit requirements are met. No changes were made to the permit based on this comment.

Comment 59: Regarding Part V.S.6(c)(3) and (e), ABIA comments that five years is a long time for maintaining records and is inconsistent with the majority of record keeping requirements in the MSGP, which is typically three years.

Response 59: The five year record keeping is based on 40 CFR § 449.20. Monitoring, reporting, and recordkeeping requirements under the Airport Deicing Point Source Category. No changes were made to the permit based on this comment.

Comment 60: ABIA asks for clarification in Part V.S.6.(e) regarding what the phrase “[I]f using volumes of ADF applied/collected, records of these amounts” means.

Response 60: The phrase means that permittees are required to monitor and document both how much ADF they apply and how much they collect. These two results are used to document the permit requirement that at least 60% ADF was collected. No changes were made the permit based on this comment.

Comment 61: ABIA comments that in Part V.S.6.(g) the term “deicing agent” is new to this sector and should be either “ADF” if referring to aircraft deicing or “deicing chemicals,” which refers to both aircraft and airfield deicing chemicals. ABIA comments that his will make it consistent with the rest of the MSGP and reduce confusion regarding the type of deicing chemical. Also, ABIA recommends that the method of deicing agent collection should just be for ADF collection. They further comment that the “deicing activity log” seems redundant to the requirement specified in S.5.(b)(2) and ask for clarification of whether there is a difference.

Response 61: TCEQ agrees with the comments. The word “*deicing agent*” was replaced with “*deicing chemicals*” in Part V.S.6(f) (that previously was Part V.S.6.(g)) and with “ADF” in the same section, as follows:

S.6.(f) Additional SWP3 Requirements.

The following SWP3 requirements must be conducted in addition to those listed in Part V.S.5. Permittees shall document and describe the following:

- b. Type of deicing chemicals used and keep deicing activity log.*
- c. Method of ADF collection.*
- d. Compliance with 60% ADF collection requirements, as applicable.*

Comment 62: DFW comments that Part V.S.7.(a) describes the application of benchmark monitoring for airports using more than 100 tons of urea, or more than 100,000 gallons of "ethylene glycol-based chemicals." The following sub-sections use the term "glycol-based" deicing chemicals, instead of "ethylene glycol-based" chemicals, on an average annual basis. DFW asks whether the intent is for benchmark monitoring to be conducted only at airports using more than 100,000 gallons of ethylene glycol-based deicing chemicals on an average basis or does the 100,000 gallons refer to the cumulative volume of any type of glycol-based aircraft deicing chemical.

Response 62: The intent of Part V.S.7.(a) is that benchmark monitoring is required at airports using more than 100,000 gallons of pure glycol or 100 tons or more of urea. The term ethylene glycol was used in TCEQ's current MSGP. However, in this permit renewal the term "glycol-based" and "pure glycol" is used for consistency with the federal MSGP.

Comment 63: AFA notes that the benchmark value for ammonia-nitrogen was changed to 1.7 mg/L, down from 2.5 mg/L in the previous permit and comments that this does not establish a basis for altering the benchmark value or provide any explanation for deviating from the benchmark value in the federal MSGP (2.14 mg/L).

Response 63: Benchmark values for Texas are based on data submitted by permittees during the years 2011 to 2014. The values represent the medians of those submitted data except for certain outliers. This method is consistent with how other benchmark values are calculated. Please refer to previous responses to similar comments regarding the methodology used by TCEQ to select benchmark values. No changes were made in the permit based on this comment.

Comment 64: DFW comments that Part V.S.7.(a)(1) requires permittees who use urea or glycol-based deicing chemicals at an airport using more than 100,000 gallons of glycol based chemicals or 100 tons of urea to conduct benchmark monitoring. DFW asks whether a tenant with authorization to discharge pursuant to TPDES MSGP TXR050000 is still required to conduct benchmark monitoring for deicing activities if the airport is authorized under an individual stormwater permit, which includes the discharges of tenants, and the airport is subject to and complying with more stringent monitoring requirements and discharge limitations than those in S.7.(a)(1).

Response 64: Generally, if an entity uses urea or glycol-based deicing chemicals and if the total amount of deicing chemicals meets the criteria in the MSGP, the entity is responsible for obtaining coverage and monitoring for benchmarks as part of meeting the requirement under the MSGP authorization. Due to the uniqueness and complexity, DFW Airport has an individual TPDES discharge permit (WQ0001441000 issued on February 4, 2015). This permit authorizes discharges of first flush stormwater and other

stormwater for those areas identified in the individual permit. DFW Airport is identified as the only permittee authorized under the individual permit; therefore, airport tenants are required to obtain authorization under the MSGP would be subject to benchmark monitoring if deicing activities are conducted by the tenant in areas outside of DFW Airport's centralized deicing collection system, and under the authority of the tenant. Tenant MSGP authorizations are independent of an individual permit issued for the DFW Airport.

Sector T

Comment 65: Amarillo opposes a benchmark standard for BOD for Sector T, Treatment Works, noting that the current EPA MSGP does not contain a BOD benchmark requirement for Sector T. Amarillo asks for the scientific justification to determine benchmark values for BOD in Sector T.

Response 65: Benchmark sampling for BOD in Sector T was added to TCEQ's MSGP in 2006 and was based on the nature of pollutants at wastewater treatment plants. In this permit the benchmark value is decreased to 20 mg/L from 30 mg/L based on a statistical analysis of local benchmark monitoring data submitted by regulated entities to TCEQ during years 2011 to 2014. EPA has delegated authority to TCEQ to develop and implement permit requirements that are protective of water quality, and this particular benchmark has been reviewed by EPA without objection. The proposed benchmark is above the median and mean values and well above the third quartile of data, and TCEQ determined that the adjusted value is a more accurate indicator for permittees to assess the effectiveness of existing control measures and BMPs. No changes were made to the permit based on this comment.

Sector AD

Comment 66: Harris County comments that they and other Phase I MS4 operators are required to inspect industrial and commercial facilities the MS4 operators believe are contributing pollutants to the MS4. Harris County often observes that facilities which are not industrial activities covered by Sectors A – AC, are none the less believed to be contributing pollutants to the MS4. The MSGP provides that facilities that do not meet the description of an industrial activity covered by Sectors A – AC, may be designated by the executive director to require an MSGP authorization under Sector AD. Harris County comments that the organizational structure of TCEQ is often difficult to maneuver, so an MS4 operator seeking to notify TCEQ of a facility that should be considered for coverage under Sector AD does not know who the proper party is to notify. Accordingly, Harris County requests that TCEQ provide a mechanism by which the MS4 operator may notify TCEQ of a facility it believes should be designated as Sector AD, when that facility does not meet the description of an industrial activity covered by Sectors A–AC.

Response 66: When a facility is contributing pollutants to the MS4 and the facility does not fall into one of the SIC codes regulated in Sectors A–AC in the MSGP, then the

MS4 operator can notify the appropriate TCEQ regional office where the facility is located, and request that the operation be investigated to determine the applicability of the designated under Sector AD.

Based on a site investigation by the local TCEQ region office, a determination can be made whether a facility would be appropriately regulated under the MSGP – Sector AD, under an individual stormwater permit, or other appropriate action taken.

**DOCKET NO. 2015-0475-MIS
General Permit No. TXR050000**

IN THE MATTER OF THE RENEWAL	§	BEFORE THE TEXAS
OF THE TPDES GENERAL PERMIT WITH	§	COMMISSION ON
CHANGES TO AUTHORIZE DISCHARGES	§	ENVIRONMENTAL
UNDER THE TEXAS POLLUTANT	§	QUALITY
DISCHARGE ELIMINATION SYSTEM FROM	§	
REGULATED INDUSTRIAL FACILITIES	§	
WITHIN THE STATE OF TEXAS	§	

**COMMISSION RESOLUTION ISSUING THE RENEWAL OF THE GENERAL PERMIT WITH
CHANGES**

WHEREAS, under Texas Water Code (TWC), § 26.121, no person may discharge waste or pollutants into or adjacent to any water in the state except as authorized by a rule, permit, or order issued by the Texas Commission on Environmental Quality (TCEQ or Commission);

WHEREAS, under TWC, § 26.027, the TCEQ has the authority to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to waters in the state;

WHEREAS, under TWC, § 26.040, the TCEQ has the authority to issue a general permit to authorize the discharge of waste into or adjacent to waters in the state;

WHEREAS, renewal of the general permit (TXR050000) with changes that authorizes discharges of stormwater from regulated industrial facilities in the state of Texas was drafted and proposed by the Executive Director and is attached as Exhibit A;

WHEREAS, the TCEQ received public comment on the general permit;

WHEREAS, the Executive Director made certain changes to the general permit based on comments received;

WHEREAS, the Executive Director prepared, made available to the public, and filed with the Chief Clerk a written Response to Public Comments on the proposed changes to the general permit in accordance with the requirements of 30 Texas Administrative Code (30 TAC) § 205.3(e) and is attached as Exhibit B;

WHEREAS, the Commission has reviewed in accordance with Texas Natural Resources Code, § 33.205 and 30 TAC § 205.5(f) the changes to the general permit for consistency with the Texas Coastal Management Program (CMP) and has found that the general permit is consistent with applicable CMP goals and policies and that the general permit will not adversely affect any applicable coastal natural resource areas as identified in the CMP;

WHEREAS, the Commission has determined in accordance with TWC, § 26.040(a)(1) - (4) that the general permit would authorize dischargers who engage in the same or substantially similar types of operations, discharge the same types of waste, are subject to the same requirements regarding effluent limitations or operating conditions, and are subject to the same or similar monitoring requirements;

WHEREAS, the Commission finds in accordance with TWC, § 26.040(a)(5) that the general permit would apply to dischargers who are more appropriately regulated under a general permit than under individual permits and that:

(A) The general permit has been drafted to assure that it can be readily enforced and that the Commission can adequately monitor compliance with the terms of the general permit; and

(B) The category of discharges covered by the general permit will not include a discharge of pollutants that will cause significant adverse effects to water quality; and

THEREFORE, after consideration of all public comment and the responses to such comment, the Commission, by this resolution, hereby issues the general permit, attached as Exhibit A, as recommended by the Executive Director and as approved by the Commission during its July 6, 2016, public meeting. The Commission, by this resolution, also hereby issues the Executive Director's Response to Comments as approved by the Commission during its July 6, 2016, public meeting as the Commission's Response to Public Comment, attached as Exhibit B.

Furthermore, the Commission directs staff to make any non-substantive changes to the general permit and the Commission's Response to Public Comment to satisfy *Texas Register* format requirements and requests that the general permit and Commission's Response to Public Comment be made available to the public in accordance with the requirements of TWC, § 26.040(d) and 30 TAC § 205.3(e).

It is so **RESOLVED**.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, P.E., Ph.D., Chairman
For the Commission

Date Signed