

**FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES General Permit TXR050000 - Multi Sector General Permit**

For proposed Texas Pollutant Discharge Elimination System (TPDES) Multi Sector General Permit (MSGP) Number TXR050000 to discharge to surface water in the state.

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Permit Action: Amendment and Reissuance of a General Storm Water 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) TXR050000, issued August 14, 2006, which authorizes the discharge of storm water 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.** Added a section to the general permit stating that the following facilities are designated as covered under the general permit without submitting an NOI, nor having to implement a SWP₃ according to the requirements of the general permit, provided that certain specific permit conditions are met (i.e., must maintain no exposure). These facilities will be notified of their coverage under the general permit as part of the public notice for the draft permit, per the requirements of 40 CFR §122.28(b)(2)(vi), relating to General Permits:
 - 1. Operators of regulated facilities that occur within a residential home, shopping mall, or office building, and that have no exposure of any regulated activity to storm water. Draft MSGP, Part II, Section B.12, and Part II, Section C.2.(c).
 - 2. Operators of publishing and designing companies that do not perform printing activities and that have no exposure of any regulated activity to storm water. Draft MSGP, Part II, Section B.12, and Part V, Section X.
- B.** A new option for transportation facilities (land transportation and warehousing, water transportation, and air transportation) to include storm water discharges from material handling and storage areas in their MSGP authorization. This applies to situations where the TCEQ requires that storm water discharges from the material handling and storage areas be permitted and had traditionally required these authorizations through an individual permit. Material handling and storage areas are not currently eligible for coverage under the existing MSGP because they are not included in the definition of storm water associated with industrial activity. The draft permit would not change the definition of storm water associated with industrial activity for these transportation sectors, which includes only those areas of transportation facilities that are involved in vehicle/equipment maintenance or cleaning (see 40 CFR §122.26(b)(14)(vii). Draft MSGP, Part V, Sections P,Q, and S.
- C.** Changes to requirements for paper application forms:
 - 1. Extended the period of time required to await provisional coverage after submitting a paper NOI from two (2) to seven (7) days, in order to insure that TCEQ receives the NOI. This is the same change that was made in the reissuance of the Construction General Permit No TXG150000 (CGP) in March 2008. Draft MSGP, Part II, Section C.2.
 - 2. Increased the application fee by \$100.00 for operators submitting a paper NOI or NEC form. Draft MSGP, Part II, Section C.10.a.
 - 3. No changes proposed to NEC fees nor to annual fees.

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- D.** Changes to benchmark sampling:
1. Revised benchmark levels based on data that was submitted during calendar years 2007 and 2008. Draft MSGP, Part V, Sections A through AD
 2. Added benchmark sampling requirements in Sector AD (Miscellaneous Industrial Activities) for pollutants commonly regulated in individual storm water permits: pH, COD, TSS, and oil and grease. Draft MSGP, Part V, Section AD
 3. Added a 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. Draft MSGP, Part IV, Section B.1.(a)
 4. Revised reporting requirements so that Years 1 and 2 data would be submitted to TCEQ and Years 3 and 4, if collected, would be retained on site, except that any annual average result exceeding a benchmark level must be submitted to the TCEQ. Draft MSGP, Part IV, Section B.
- E.** Revision of permit language regarding “representative storm event” changed to “qualifying storm event,” to clarify that a precipitation event is considered representative (or qualifying) based on the fact that it produces a discharge, rather than based on the measured amount of precipitation (i.e., previously, a representative storm event would include at least 0.1 inch of measured precipitation). This change is consistent with the EPA’s current MSGP.
- F.** Additional revisions within several specific industries in Part V of the draft MSGP, including the following significant items:
1. Removed effluent limits for runoff from coal piles that are not associated with a steam electric power generating facility, because the effluent limits are taken from federal rules in 40 CFR Part 423 that are required for discharges from steam electric power generating facilities. Also clarified which facilities are regulated under Sector O, Steam Electric Power Generation.
 2. Added final stabilization requirements (or requirements to return mine to an alternate post mining use) for Sector J mining activities seeking to terminate coverage, consistent with EPA’s MSGP.
 3. Added or revised industry-specific requirements for most industrial sectors to be consistent with EPA’s 2008 MSGP.
- G.** Revised the section “Impaired Water Bodies and Total Maximum Daily Load Requirements” to address new and existing discharges to impaired water bodies listed in accordance with Section 303(d)(1) of the federal Clean Water Act, including waters with an approved total maximum daily load (TMDL). Draft MSGP, Part II, Section B.7.

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, 2011, in accordance with the requirements of 30 TAC §205.5(a).

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III. Permit Applicability and Coverage

A. Need for a Permit:

The MSGP authorizes the discharge of storm water associated with industrial activities into surface water in the state. "Storm water 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 storm water 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 Standard Industrial Classification (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);
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. Storm water discharges from the facility are subject to federal categorical effluent limitations at Title 40 of the Code of Federal Regulations (CFR) Subchapter N (Parts 400-471) (applicable to certain discharges within Sectors A, C, D, E, H, J, and O 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 storm water 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 storm water 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.

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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 storm water, 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 storm water 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.

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 storm water 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, stockpiled train rails, scrap metal, metal products); 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

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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 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 storm water; 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 storm water; and
 - (3) the ASTs are surrounded by secondary containment (e.g., impervious berm, dike, or concrete retaining structure) to prevent exposure to storm water 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.

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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 storm water discharges before making any changes that will expose industrial activities or materials.
 - c. If the TCEQ or EPA determines that a facility's storm water discharges have a reasonable potential to cause or contribute to a violation of 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 Storm Water 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 draft general permit would designate 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 storm water.

Under the draft MSGP, operators of the following industrial facilities would be designated for coverage under the general permit, and would 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.

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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 storm water; and
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 storm water, and storm water 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-storm water discharges through outfalls identified in the SWP3, according to the requirements of the general permit:
1. discharges from emergency fire fighting activities and uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the

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- 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);
 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-storm water discharges specifically listed in individual sections of Part V of the MSGP.

The purpose of providing the list of approved non-storm water 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-storm water flows provided they are not causing or contributing to contamination of water quality.

E. The following storm water 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

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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 storm water 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.
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 storm water permit to ensure that protection of endangered species is achieved.
6. Contact storm water 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 storm water 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 storm water with no resulting discharge into surface water in the state;
2. Pumping and hauling of the storm water to an authorized disposal facility;
3. Discharge of the storm water to a publicly-owned treatment works (POTW);
4. Underground injection of the storm water 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 storm water 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 storm water 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

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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*:

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 Storm Water 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. Storm Water 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
Fluoride	10	15
pH		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),

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*Cement Manufacturing Point Source Category, Materials Storage Piles
Runoff Subcategory*

Table 4. Discharges of Storm Water 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*

Table 5. Discharges of Storm Water 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

- 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. Discharges of Coal Pile Runoff

Pollutant	Daily Maximum Limitations (mg/L)
TSS	50
pH	6 – 9 std units

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 7. 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

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Parameter (Total)	Discharges to Inland Waters (mg/l)	Discharges to Tidal Waters (mg/l)
Lead	1.5	1.5
Manganese	3.0	3.0
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. Storm Water Pollution Prevention Plan (SWP3, or plan):

The draft general permit continues the existing requirement to develop and implement a SWP3 to control discharges of storm water associated with industrial activities, in accordance with NPDES storm water 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 Storm Water Pollution Prevention Team
2. Inspect facility for non-storm water 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 storm water 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;

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- (c) Erosion Control;
- (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, removes benchmark parameters for a few industrial sectors and adds benchmarks parameters for one sector. These changes are listed below (paragraph IV.C.1.(c) of this fact sheet) and are further described in Appendices A and B of this fact sheet:

(a) The draft permit requires sampling once per six months for the first two years of the permit term. 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 2007 and 2008 calendar years:

Table 8. Benchmark Levels for Pollutants Evaluated in 2007 & 2008

Benchmark Parameter	2006 MSGP (mg/L)	Proposed (mg/L)
TSS ₁	100	100, for selected activities
TSS ₂	100	50, for selected activities
Chemical Oxygen Demand (COD)	55	60
Arsenic, total	0.17	0.010
Ammonia-nitrogen	8.11	2.5
Silver, total	0.032	0.002
Cadmium, total	0.016	0.001

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Benchmark Parameter	2006 MSGP (mg/L)	Proposed (mg/L)
Cyanide, total	0.064	0.02
Mercury, total	0.0019	0.0002
Selenium, total	0.05	0.01
Magnesium, total	0.064	1.4
Oil and Grease	NA	10

(c) Sector-Specific Changes to Benchmark Parameters:

Sector A (Timber Products): Added COD and TSS to SIC codes 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499. These SIC codes were left out of the 2001 MSGP in error.

Sector E (Glass, Clay, Cement, Concrete and Gypsum Products): Added pH to SIC codes 3271-3275.

Sector G (Metal Mining / Ore Mining and Dressing): Added several pollutants for waste rock and overburden piles (one sample required, with additional sampling required throughout the permit term for any results over the benchmark level).

Sector S (Air transportation): Removed BOD₅ (SIC codes 4512-4581).

Sector U (Food and Kindred products facilities): Removed BOD from SIC codes 2074-2079.

Sector AD (Miscellaneous Industrial Activities): Added pH, COD, TSS, and oil and grease.

The above changes to benchmark sampling are further described and explained in Part X.C. and Appendices A and B 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. The draft permit would remove the requirement that sampling be performed during daylight hours, and instead would require sampling to occur in a well lit area.
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 storm water.
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 major changes to the permit are listed below, and are also described in Part I (pages 1 and 2) of this fact sheet:

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1. Designated for automatic authorization certain industrial facility operators in Sector X, as well as small businesses located in a residential home, shopping mall, or office building, which have no exposure of any regulated activity to storm water.
2. Added an option for transportation facilities to include storm water discharges from material handling and storage areas under the MSGP where those areas would require permit coverage, but had not previously been allowed under the MSGP because they were not associated with vehicle/equipment maintenance.
3. Created new incentives to promote electronic filing of application forms: extended the period of time required to await provisional coverage after submitting a paper NOI from two (2) to seven (7) days, and proposed an increased application fee for operators submitting a paper NOI or NEC form. No changes are proposed to the annual fees. See Part II, Sections C.2. and C.10. of the draft permit.
4. Proposed changes to benchmark sampling in Part IV of the draft permit: revised benchmark levels based on data that was submitted during calendar years 2007 and 2008, added sampling requirements to Sector AD, added a waiver option for Years 3 and 4, and revised reporting requirements so that Years 1 and 2 data would be submitted to TCEQ and Years 3 and 4 would be retained on site.
5. Revised the permit language regarding “representative storm event” to clarify that a precipitation event is considered representative (or qualifying) if it produces a discharge, rather than based on the measured amount of precipitation.
6. Revised conditions within several specific industries in Part V of the draft MSGP in order to be consistent with EPA’s 2008 MSGP.
7. Revised the permit language “Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements” Part II, Section B in the permit to clarify discharges to impaired water bodies.
 - a. New Discharge to an impaired water body:

For a new discharge to an impaired water body, the permittee shall comply with one or more of the following:

 - (1) prevent exposure to storm water of the pollutant(s) for which the water body is impaired;
 - (2) document that the pollutant(s) for which the water body is impaired is/are not present at the site;
 - (3) obtain analytical data to show that the discharge is not expected to cause or contribute to an exceedance of a water quality standard;
or
 - (4) conduct ongoing monitoring of the pollutant of concern.
 - b. Existing Discharge to an impaired water body with an approved TMDL:

The permittee must comply with additional controls required in the TMDL or I-Plan.

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- c. Existing Discharge to an impaired water body without an approved TMDL: The permittee shall either:
- (1) prevent exposure to storm water of the pollutant(s) for which the water body is impaired;
 - (2) document that the pollutant(s) for which the water body is impaired is/are not present at the site; or
 - (3) obtain analytical data to show that the discharge is not expected to cause an exceedance of a water quality standard.

Added a new paragraph in Part III, Section B called "Water Quality Monitoring Requirements" to address monitoring requirements for discharges to impaired water bodies. The discharge must be monitored for the pollutant(s) of concern at a frequency of once per year. If the pollutant(s) is/are present below the level of concern (e.g. the analytical level is below the benchmark value in Part IV of the permit), then the permittee may discontinue monitoring for the pollutant(s).

B. Additional changes include the following:

1. Revised several definitions in Part I of the draft permit:
 - a. Added definitions for the following terms: "Arid Areas," "Constituent of Concern," "Control Measure," "Diffuse Point Source," "Drought," "Existing Discharge," "Hyper-chlorinated Water," "Impaired Water," "Industrial Activity," "New Discharge," "No Exposure," "Qualified Personnel," "Semi-Arid Areas," "Sheet Flow," "SIC Code," including the addition of definitions for "Primary SIC Code" and "Secondary SIC Code" as subsets of the definition for "SIC Code," and "Total Maximum Daily Load."
 - b. Updated definitions for the following terms, in Part I of the draft general permit: "Discharge," "General Permit," "Hyperchlorination of Waterlines or Vessels," "Inactive Industrial Facilities," "Municipal Separate Storm Sewer System (MS4)," "National Pollutant Discharge Elimination System (NPDES)," "Operator," "Outfall," "Point Source," "Pollutant," "Reportable Quantity Spill or Release," and "Storm Water Discharge Associated with Industrial Activity."
 - c. Deleted definitions for the term "Solid Waste Management Unit;" however, additional clarification on solid waste requirements was added to the "Solid Waste" section of the draft permit.
2. Clarified permit applicability, including the requirement that any storm water discharge subject to federal ELGs (40 CFR Parts 400-471) must obtain permit coverage, and may be eligible for coverage under the MSGP. See Part II, Section A of the draft permit.
3. Reorganized 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.

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4. Added a statement about publicly-operated facilities to clarify that they would be regulated if they are described in the Applicability section of the general permit. See Part II, Section A.5. of the draft permit.
5. Removed the effluent limits for coal pile runoff that are not associated with a steam electric power generating facility.
6. Revised the list of allowable storm water discharges to include incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of facilities. This is consistent with the EPA 2008 MSGP and addresses a common question received from the regulated community. In addition, added clarification language regarding irrigation runoff and condensates. See Part II, Section A.6. of the general permit.
7. Added language in the "No Exposure" exclusion section that explains in more detail when materials or products do not have to be located within a storm resistant shelter. This change was made to address questions that are often received by the regulated community, and it is consistent with information provided in TCEQ Regulatory Guidance Document RG-467, as well as EPA's No Exposure Guidance Document of June 2000 (EPA 833-B-00-001). See Part II, Section C.1. of the draft permit.
8. Added information about specific items that may be submitted on a notice of change (NOC) form and which must be addressed on a notice of termination (NOT) form. See Part II, Sections C.6. and C.7. of the draft permit.
9. Made several changes to the SWP3 requirements in Part III of the draft permit to provide additional clarification of the intent of the permit.
10. Revised the quarterly visual monitoring requirements to remove the requirement that sampling be conducted during daylight; and replaced that language with the requirement to monitor in a well lit area. This is consistent with EPA's 2008 MSGP. See Part III, Section B.3.
11. Removed the daily average and composite limits for hazardous metals (retained daily maximum limit), since sampling is required only once per year, and clarified that any operator seeking a waiver from sampling must recertify each permit term. See Part III, Section C.1.
12. Revised the benchmark monitoring levels as described in this fact sheet (see paragraph IV.D.1.(c) above and Appendices A and B). See Part V of the general permit.
13. Revised the language regarding non-compliance notification to clarify that all non-compliances must be reported.
14. Revised permit conditions for specific industrial activities described in Part V of the draft permit:
 - a. Added or modified certain sector-specific definitions to clarify the requirements of the section or to be consistent with other TCEQ rules or the EPA's 2008 MSGP. The specific changes include the following:

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- (1) Sector G - “active metal mining facility,” “active phase,” “construction phase,” “exploration phase,” “final stabilization,” “inactive metal mining facility,” “mining operations,” “reclamation phase,” and “temporarily inactive metal mining facility;”
 - (2) Sector H – “active coal mining facility,” “active phase,” “bond release,” “construction phase,” “exploration phase,” “final stabilization,” “inactive coal mining facility,” “mining operation,” “reclamation phase,” and “temporarily inactive coal mining facility;”
 - (3) Sector J – “active mineral mining facility,” “active phase,” “aggregates,” “construction phase,” “exploration phase,” “inactive mineral mining facility,” “mine dewatering,” “mining operations,” “quarry,” “temporarily inactive mineral mining facility,” and “uncontaminated;”
 - (4) Sector K – “contaminated storm water,” “drained free liquids,” “landfill,” “landfill wastewater,” “leachate,” and “non-contaminated storm water;”
 - (5) Sector L - “contaminated storm water,” “drained free liquids,” “final stabilization,” “landfill” “landfill wastewater,” “land application site, or land treatment facility,” “leachate,” “municipal solid waste (MSW),” “municipal solid waste facility,” “municipal solid waste landfill unit,” and “non-contaminated storm water;” and
 - (6) Sector S – “deicing.”
- b. Changes were made to nearly every sector of industrial activity regulated under the MSGP in order to provide additional clarification of the permit requirements or to be consistent with EPA’s 2008 MSGP.
 - c. In several sectors (including A, E, H, I, J, O, Q, R, U, and V), added or revised the section entitled *Limitations on Permit Coverage*, to provide additional clarification on information such as prohibited discharges (storm water and non-storm water), discharges that do not require authorization, and other sector-specific conditions.
 - d. For most sectors (including E, G, H, I, J, L, M, N, O, P, Q, R, S, T, U, V, X, Y, Z, AA, and AB), reorganized the sector-specific BMP requirements (e.g., sections entitled *Description of Potential Pollutants Sources* and *Management of Runoff with Structural Controls*) into a single section entitled *Additional SWP3 Requirements*. This helps to simplify the organization of the sector-specific BMPs, and is consistent with the term used in EPA’s 2008 MSGP. This combined section provides detailed information about additional BMPs, mapping requirements, certification of certain non-storm water discharges, additional periodic inspection requirements, and additional requirements related to the comprehensive site compliance evaluation.

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- e. For several sectors (including G, H, I, J, K, L, O, P, Q, S, T, and X), added or revised the section entitled *Covered Storm water Discharges* to provide additional clarification and information regarding which discharges may be authorized under the MSGP.
- f. In several sectors, added sector-specific requirements for the drainage site area map required in Part III of the permit.
- g. For the mining sectors (G, H, and J), added or revised the following sections:
 - (1) *Termination of Permit Coverage*, which provides sector specific requirements for operators of sites that have been finally stabilized or returned to an alternative post mining use, to terminate permit coverage. This is consistent with EPA's 2008 MSGP and helps to clarify when discharges from closed mines cease to be considered "storm water associated with industrial activity."
 - (2) In Sector G, added benchmark monitoring requirements for discharges from waste rock and overburden piles that had also been included in the 2001 TPDES MSGP.
 - (3) For Sector H, the section entitled *Limitations on Permit Coverage* was revised to clarify that the storm water discharges from completely reclaimed areas of a mine (i.e., where the performance bond has been released) are not required to maintain storm water permit coverage.
 - (4) For Sector H and J, added a section entitled *Inactive and Unstaffed Sites*, which provides information about the requirements for routine inspections, quarterly visual assessments and benchmark monitoring requirements at inactive or unstaffed sites. This is consistent with EPA's 2008 MSGP.
 - (5) For Sector J, modified the section entitled *Limitations on Permit Coverage* to clarify that operators of certain quarries located in the John Graves Scenic Riverway (JGSR) are not eligible for coverage and must obtain coverage under an individual permit or the general permit for certain quarries in the JGSR, TXG500000. This section also details the requirements for uncontaminated ground water seepage and permitting requirements for sites where mining claims are being maintained prior to disturbances associated with mining activity.
 - (6) For Sector J, added a section titled *Mining Related Non-Storm Water Discharges*, which provides detailed information about the requirements for discharges to meet effluent guidelines for this sector.
- h. For Sector I, moved SIC code 2911 from Sector I (Oil and Gas Extraction Facilities) Sector C (Chemical and Allied Products) based on EPA's 2008 MSGP. This is appropriate because petroleum refining activities are more similar to chemical and allied products manufacturing than to oil and gas

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extraction activities; therefore, storm water controls for these activities should be similar.

- i. For sectors with numeric effluent limitations based on federal ELGs (40 CFR 400-471), modified the section entitled *Numeric Effluent Limitations* to clarify the applicability of the requirements of the numeric effluent limitations for facilities in those sectors.
- j. Revised Requirements Related to Waste Handling (Sectors K and L):
 - (1) For Sector K, clarified which hazardous waste treatment, storage, and disposal facilities regulated under the TCEQ's waste rules (30 TAC Chapter 335) must obtain storm water permit coverage and which are exempted from coverage.
 - (2) For Sectors K and L, revised the section titled *Limitations on Permit Coverage* to clarify that the MSGP does not authorize the discharge of landfill wastewater, including contaminated storm water, as described in federal effluent guidelines at 40 CFR Part 445. For Sector K, also clarified the requirements for sites that temporarily store hazardous waste.
 - (3) For Sector L, clarified that noncontaminated storm water from a landfill that has never received waste associated with an industrial activity regulated by the MSGP is not required to obtain permit coverage; but that noncontaminated storm water from a landfill that receives or has ever received waste associated with an industrial activity regulated under the MSGP would need to be authorized.
- k. For Sector O, revised the sections entitled *Covered Storm Water Discharges* and *Limitations on Permit Coverage* to be identical to EPA's MSGP and to clarify which power generating facilities are required to obtain permit coverage. These changes were made to clarify exactly what types of facilities are covered, while keeping the original intent of the NPDES storm water regulations and previous versions of the NPDES and TPDES MSGPs. In past permits, both in Texas and throughout the U.S. with respect to the EPA MSGP, there has been some confusion about the types of power generation facilities covered or not covered by the regulations. The clarifications in this permit do not change the definition of "industrial activities" nor the universe of covered facilities.

Changes to the *Covered Storm Water Discharges* (Section V.O.2. of the draft MSGP), which describes the industrial activities covered by Sector O:

The term "dual fuel co-generation facilities" has been replaced with "dual fuel facilities that could employ a steam boiler." As described in EPA's 2008 MSGP Fact Sheet, the EPA and accepted industry definition of "cogeneration" is "the merging of a system designed to produce electric power and a system used for producing industrial heat and steam" (Profile of the Fossil Fuel Fired Electric Power Generation Industry

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notebook, September, 1997). Cogeneration technologies are classified as “topping cycle” and “bottoming cycle” systems, depending on whether the electrical (topping cycle) or thermal (bottoming cycle) energy is derived first. Most cogeneration systems use a topping cycle. The most common configurations are: 1) a boiler connected to a steam turbine; or 2) a gas turbine, followed by a heat recovery steam generator (HRSG) which may include a duct burner for supplemental firing, followed by a steam turbine. Regardless of the configuration, both electricity and steam (or heat) are end-products. Typically, the boilers in configuration 1 are fired with coal or oil and the gas turbines in configuration 2 are primarily fired with natural gas with fuel oil as a back up at some facilities. The duct burner in the HRSG is typically fired with natural gas. Boiler facilities (configuration 1) generate their electricity from the use of steam, whereas gas combustion turbine facilities (configuration 2) generate their electricity primarily from the gas turbine cycle. Configuration 1 facilities are the type EPA has always required to obtain permit coverage.

The EPA and accepted industry definition of “combined-cycle generation” is “a configuration using both gas turbines and steam generators. In a combined-cycle gas turbine, the hot exhaust gases of a gas turbine are used to provide all, or a portion of, the heat source for the boiler, which produces steam for the steam generator turbine.” This type of facility produces only electric power, and needs permit coverage. Typical configurations include a gas turbine, a fired or unfired HRSG, and a steam turbine generator. The gas turbines are primarily fired with natural gas and some may fire fuel oil as a back-up (see dual-fuel discussion below).

The previous permit term “dual-fuel cogeneration facilities” (identified as needing coverage) has been removed from the draft MSGP because it is typically not used within the power generation industry. The concept of dual fuel will be addressed to preserve the intent of past permits. A “dual-fuel” facility has the capability of generating electricity by burning either natural gas or another fossil fuel (typically oil). Thus, a simple-cycle dual-fuel facility being regulated by this permit would have the capability of using both a gas turbine and an oil-fired steam boiler (or both in tandem), but would not include a facility that burns oil to generate power without a steam boiler (as in a diesel generator).

A regulated combined-cycle facility would also have a gas-steam option (in this context, prior to the HRSG component). For dual-fuel facilities, the option to burn fossil fuel for use in a steam boiler is sufficient to cause the facility to need permit coverage (regardless of whether the gas turbine alone is actually used). The inclusion of dual-fuel facilities, but only those that could employ a steam boiler, in this permit is consistent with the intent of previous storm water permits.

Purpose: In past permits, there has been considerable confusion about the types of power generation facilities covered or not covered by storm water permitting requirements. One source of confusion stemmed from EPA's and TCEQ's use of the term “dual-fuel cogeneration facilities,” which were

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covered by the MSGP. Because this term was not previously defined in the permit, and has, since its introduction, become archaic within the power generation industry, TCEQ has updated and defined the applicable terminology consistent with the EPA MSGP of 2008.

Change to the *Limitations on Coverage* (Section, V.O.3. of draft MSGP). Those types of facilities that do not need permit coverage (meaning, they do not have a steam component in their power generation) have been listed in this section of the permit due to the numerous types of power plants using different combinations of processes and technologies. One of these plant types not covered under the permit that uses multiple technologies was previously identified as a “heat capture co-generation facility,” but the use of this terminology has long been a source of confusion and is regarded as obsolete. TCEQ added clarifying language for this term, as well as extra explanations regarding the absence of steam boilers for the other non-covered facility types, ancillary facilities and gas turbine facilities.

As previously noted, duct burners in HRSGs are typically fired with natural gas. Along with simple-cycle gas turbine facilities and configuration 2-type gas turbine cogeneration facilities, combined-cycle generation facilities are also not covered by storm water permitting requirements, provided no supplemental fuel oil is burned in the HRSG and the facility is not otherwise a dual-fuel facility which uses steam.

Cogeneration facilities, which are of the type described under configuration 2 above, are equivalent to the obsolete term “heat capture cogeneration facilities.” Therefore, gas turbine cogeneration facilities (only those that do not have an oil-fired steam boiler as a back-up; see the dual-fuel discussion above) are likewise excluded from storm water permit coverage.

- l. Sector X, designated certain facilities that publish or design without printing as automatically authorized, as previously discussed in this fact sheet.
- m. For Sector AD, made the following changes:
 - (1) Added some clarification under *Limitations on Permit Coverage* to describe how a site would be designated by TCEQ for coverage under this sector.
 - (2) Added a section titled *Co-located Activities*, which explains that if a facility is designated under Sector AD as requiring coverage, any co-located industrial activities described by secondary SIC codes listed under the general permit would be required to meet the conditions of the sector(s) that includes the regulated secondary SIC codes.
 - (3) As previously described, added benchmark monitoring requirements for pH, TSS, oil and grease, and COD.

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15. Removed the copies of discharge monitoring report (DMR) forms from the MSGP, which will allow TCEQ to make revisions and corrections to the forms during the permit term without a permit modification or amendment.
16. 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, Storm Water & Pretreatment Team Leader
Wastewater Permitting Section
P.O. Box 13087
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: www10.tceq.state.tx.us/epic/ecmnts/

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

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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 United States Environmental Protection Agency (EPA) have signed a Memorandum of Agreement (MOA) that authorizes the administration of the Texas Pollutant Discharge Elimination System (TPDES) program by the TCEQ as it applies to the State of Texas.

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 storm water 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 storm water 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.

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TCEQ received authority to administer the Texas Pollutant Discharge Elimination System (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 storm water permit program which were finalized on December 8, 1999. The existing MSGP, which replaced the 2001 TPDES MSGP, was issued August 14, 2006 and expires on August 14, 2011. 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 storm water runoff associated with industrial activity, and certain non-storm water discharges, into surface water in the state. The 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 storm water 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 storm water 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 storm water 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. Storm water 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.

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The following industrial activities are proposed to be eligible for authorization under the draft general permit:

Table 9. SECTOR A: TIMBER PRODUCTS

SIC Code(s)	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 (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

Table 10. SECTOR B: PAPER AND ALLIED PRODUCTS

SIC Code(s)	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

Table 61 SECTOR C: CHEMICAL AND ALLIED PRODUCTS

SIC Code(s)	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;

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SIC Code(s)	Description of Industry Sub-sector
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

Table 12 SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS

SIC Code(s)	Description of Industry Sub-sector
2951, 2952	Asphalt Paving and Roofing Materials, Portable Asphalt Plants
2992, 2999	Miscellaneous Products of Petroleum and Coal Including Oils and Greases

Table 13. SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS

SIC Code(s)	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
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

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Table 74. SECTOR F: PRIMARY METALS

SIC Code(s)	Description 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

Table 85. SECTOR G: METAL MINING (ORE MINING AND DRESSING)

SIC Code(s)	Description 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

Table 96. SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES

SIC Code(s)	Description of Industry Sub-sector
1221	Bituminous Coal and Lignite Surface Mining
1222	Bituminous Coal Underground Mining
1231	Anthracite Mining
1241	Coal Mining Services

Table 107. SECTOR I: OIL AND GAS EXTRACTION FACILITIES *Industrial Activities Regulated under the EPA's NPDES Program*

SIC Code(s)	Description of Industry Sub-sector
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

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Table 18. SECTOR I: OIL AND GAS EXTRACTION FACILITIES *Industrial Activities Regulated under this General Permit*

SIC Code(s)	Description of Industry Sub-sector
1389	Oil and Gas Field Services, Not Elsewhere Classified, that occur at a company headquarters, permanent offices, or base of operations.

Table 19. SECTOR J: MINERAL MINING AND DRESSING FACILITIES

SIC Code(s)	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

Table 110. SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Activity Code	Description of Industry Sub-sector
HZ	Hazardous Waste Treatment, Storage, and Disposal Facilities

Table 121. SECTOR L: LANDFILLS AND LAND APPLICATION SITES

Activity Code	Description of Industry Sub-sector
LF	Limited to 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).

Table 132. SECTOR M: AUTOMOBILE SALVAGE YARDS

SIC Code(s)	Description of Industry Sub-sector
5015	Automobile Salvage Yards

Table 143. SECTOR N: SCRAP AND WASTE RECYCLING FACILITIES

SIC Code(s)	Description of Industry Sub-sector
5093	Scrap and Waste Recycling Facilities (Scraps include 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 for SIC 5093)

Table 154. SECTOR O: STEAM ELECTRIC GENERATING FACILITIES

Activity Code	Description of Industry Sub-sector
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Activity Code	Description of Industry Sub-sector
SE	Steam Electric Power Generating Facilities

Table 165. SECTOR P: LAND TRANSPORTATION AND WAREHOUSING

SIC Code(s)	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 and 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

Table 176. SECTOR Q: WATER TRANSPORTATION

SIC Code(s)	Description of Industry Sub-sector
4412 - 4499	Water Transportation

Table 187. SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS

Activity Code	Description of Industry Sub-sector
3731, 3732	Ship and Boat Building or Repairing Yards

Table 28. SECTOR S: AIR TRANSPORTATION

Activity Code	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

Table 29. SECTOR T: TREATMENT WORKS

Activity Code	Description of Industry Sub-sector
TW	Certain Wastewater Treatment Plants

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Table 30. SECTOR U: FOOD AND KINDRED PRODUCTS FACILITIES

SIC Code(s)	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

Table 191. SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT

SIC Code(s)	Description of Industry Sub-sector
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)

Table 202. SECTOR W: FURNITURE AND FIXTURES

SIC Code(s)	Description of Industry Sub-sector
2434	Wood Kitchen Cabinets
2511 - 2599	Furniture and Fixtures

Table 213. SECTOR X: PRINTING AND PUBLISHING

SIC Code(s)	Description of Industry Sub-sector
2711 - 2796	Printing, Publishing, and Allied Industries

Table 224. SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING FACILITIES

SIC Code(s)	Description of Industry Sub-sector
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear

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SIC Code(s)	Description of Industry Sub-sector
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

Table 235. SECTOR Z: LEATHER TANNING AND FINISHING

SIC Code(s)	Description of Industry Sub-sector
3111	Leather Tanning and Finishing

Table 246. SECTOR AA: FABRICATED METAL PRODUCTS FACILITIES

SIC Code(s)	Description of Industry Sub-sector
3411 - 3499	Fabricated Metal Products, Except Machinery and Transportation Equipment
3911 - 3915	Jewelry, Silverware, and Plated Ware

Table 257. SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY MANUFACTURING FACILITIES

SIC Code(s)	Description of Industry Sub-sector
3511 – 3599, except 3571 – 3579 (see Sector AC)	Industrial and Commercial Machinery (Computer and Office Equipment, see Sector AC)
3711 – 3799, except 3731, 3732 (see Sector R)	Transportation Equipment (Ship and Boat Building and Repairing, see Sector R)

Table 38. SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS

SIC Code(s)	Description of Industry Sub-sector
3571 - 3579	Computer and Office Equipment

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SIC Code(s)	Description of Industry Sub-sector
3612 - 3699	Electronic, Electrical Equipment and Components, except Computer Equipment
3812 - 3873	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods

Table 39. SECTOR AD: MISCELLANEOUS INDUSTRIAL ACTIVITIES

SIC Code(s)	Description of Industry Sub-sector
N/A	Limited to facilities that are designated by the executive director as needing a permit to control pollution related to storm water 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.
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 storm water;
 - ii. Publishing and designing companies that do not perform printing activities and that have no exposure of any regulated activity to storm water; and
 - iii. General warehousing and storage facilities described by SIC Code 4225 that have no exposure of industrial activity to storm water, and that have no areas used for vehicle and equipment maintenance activities, vehicle and equipment rehabilitation,

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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 storm water; 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 storm water, and storm water 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 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.

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- 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 storm water 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
 - 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 storm water 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.

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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 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. Storm Water Pollution Prevention Plan (SWP3)

The draft general permit continues the requirement to develop and implement a SWP3 to control discharges of contact storm water and storm water associated with industrial activities, in accordance with NPDES storm water 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

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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 storm water, 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 storm water 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 storm water pollution prevention plan;
2. Investigating and eliminating non-storm water 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 storm water runoff;
4. Establishing pollution prevention measures and controls, including good housekeeping measures and other BMPs;
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

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- b. the permittee certifies that any raw materials, intermediate products, or final products that contain any hazardous metal(s) are never exposed to storm water or runoff, except that final products are not considered to expose hazardous metals to storm water or runoff if the final product is designed for outdoor use, unless it is a product that could be transported by storm water runoff or 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 k of this fact sheet.

C. Benchmark Monitoring Requirements

The current TPDES MSGP continues a requirement from EPA’s 1995 MSGP and TCEQ’s 2001 and 2006 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.

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 does not include a waiver option, which had previously been available in the 2001 MSGP as well as in each version of EPA’s MSGP. Requiring benchmark sampling during each permit year allowed all facilities subject to benchmark monitoring to use the data collected throughout the permit term to ascertain whether their BMPs are continuing to be effective, and also helped TCEQ determine whether longer term trends could be established. Also, it may be more likely that a facility would not overlook any of the required benchmark monitoring requirements if there is not a suspension of the monitoring requirements. In turn, the monitoring frequency had been decreased from quarterly for certain years to semiannually every year.

For this proposed MSGP, the E.D. is proposing to require benchmark monitoring semiannually during the four (4) permit years following the permit effective date, and the draft permit would offer 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.

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The draft MSGP waives reporting requirements for benchmark results during Years 3 and 4 (for those facilities required to sample during those years) for all results measuring below the benchmark levels, in which case the results would need to be retained on site. Any results equal to or greater than the benchmark levels would need to be reported to TCEQ in the same manner that Year 1 and 2 data was reported.

2. Levels for Specific Pollutants

The levels and parameters for benchmarks in the current MSGP are based on results of benchmark values submitted to the TCEQ in calendar year 2003. The benchmark levels proposed in the draft MSGP are based on analysis of benchmark results submitted to TCEQ during calendar years 2007 and 2008.

The results of the compiled data are described in Appendix A and Appendix B of this fact sheet. Based on the results, changes were made to the benchmark levels of the following pollutants: chemical oxygen demand (COD), total suspended solids (TSS), total arsenic, ammonia-nitrogen, total silver, total cadmium, total cyanide, total mercury, total selenium, and total magnesium. A few parameters were removed as benchmarks for most sectors, including biological oxygen demand, 5-day (BOD₅). In addition, pH was added to two sectors, and COD, TSS, and oil and grease were added to one sector. 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 raised from the existing levels based on the results of the benchmark monitoring in years 2007 and 2008:

COD: Increased to 60 mg/l, which was close to the median result of all data collected.

Total magnesium: increased to 1.4 mg/L, which was the median result of the data.

- b. Levels for the following pollutants were lowered from the 2006 levels based on the results of the benchmark monitoring in years 2007 and 2008:

TSS: decreased to 50 mg/L in selected sectors and SIC codes. This value was close to the median result of data in these sectors and SIC codes. Generally, there were two distinct median results observed: results were either generally near or above 100 mg/L, or were below 50 mg/L. The TSS value of 100 mg/l was retained for those sectors with median results that were near or above 100 mg/l; and the TSS value was reduced to 50 mg/l for sectors that demonstrated a median value under 50 mg/l.

Total arsenic: decreased to 0.01 mg/L, which was the median result of the data.

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Ammonia-nitrogen: decreased to 2.5 mg/L, which was equal to the highest value of all the data.

Total silver: decreased to 0.002 mg/L, which was equal to the median result of the data and equal to the minimum analytical level (MAL). Only two samples were reported above the MAL.

Total cadmium: decreased to 0.001 mg/L, which was equal to the median result of the data and equal to the MAL. Only five (5) out of 16 samples were reported above the MAL.

Total cyanide: decreased to 0.02 mg/L, which was equal to the median result of the data and equal to the MAL. Only one (1) sample of 13 was reported above the MAL.

Total mercury: decreased to 0.0002 mg/L, which was equal to the median result of the data and equal to the MAL. Only five (5) of 13 samples were reported above the MAL.

Total selenium: decreased to 0.01 mg/L, which was equal to the median result of the data and equal to the MAL. All 13 samples were reported less than or equal to the MAL.

- c. There were no changes to the following pollutants, either because the original benchmark is appropriate to continue based on the fact that it is based on data suggesting that the existing level is appropriate for storm water runoff, or a sufficient number of sample points were not available to justify a change: TSS (for some sectors and SIC codes), BOD₅ (for sector T) total zinc, total copper, total iron, nitrate-nitrite- nitrogen, total lead, total phosphorous, total aluminum, and pH.
- d. Benchmark sampling for the following pollutant was removed from certain sectors, either because they were evaluated as having limited benefit for the permittee in determining if their BMPs were effective in removing pollutants from storm water, or because other pollutants were measured simultaneously and would provide similar information.

BOD: was removed from sectors S and U, because COD is already measured in these sectors and should be an appropriate parameter to evaluate the effectiveness of a site's BMPs.

- 3. New Sectors to Monitor Benchmark Pollutants
 - a. COD, TSS, pH, and oil and grease were added to sector AD because this sector may include a wide variety of facility types, and these pollutants are commonly limited in individual storm water permits.
 - b. pH was added to SIC codes 3271-3275 in sector E, thus requiring all permittees in sector E to monitor this benchmark parameter.

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

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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 storm water 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 storm water 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 storm water 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.

The revisions to the benchmark monitoring include some increases in the benchmark values. Benchmark levels are not effluent limits, and are established as a tool for permittees to determine whether BMPs are properly functioning; however, the levels must be established with consideration given to applicable water quality standards. The following pollutants are proposed to be increased; however, water quality standards are expected to be met or exceeded where discharges are below the established level:

COD: Increased to 60 mg/l, which was close to the median result of all data collected. COD is not a toxic parameter in 30 TAC Chapter 307, and an increase in the benchmark level should not affect surface water quality.

Total magnesium: increased to 1.4 mg/L, which was the median result of the data. This level is not expected to impact surface water quality.

In certain situations, and to insure that water quality standards are being met, the TCEQ may require an individual storm water 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 Storm Water & 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, and 450)

B. Records of Communication

Interoffice Memorandum dated May 24, 2010 to Storm Water Permits Team (TCEQ) from Standards Implementation Team (John Trevino, TCEQ).

C. Miscellaneous

1. Quality Criteria for Water (1986), EPA 440/5-86-001, 5/1/86.
2. The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Natural Resource Conservation Commission, December 1996.
3. Texas Surface Water Quality Standards - 30 TAC Sections 307.1-307.10, effective August 17, 2000.
4. *Procedures to Implement the Texas Surface Water Quality Standards*, Texas Commission on Environmental Quality, Publication RG-194, January 2003.
5. *Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits*, TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
6. *General Guidance Industrial Permits for Stormwater Runoff Associated With Industrial Activity*, EPA Region 6, March 22, 1999.
7. TCEQ Rules, including: 30 TAC Chapters 39, 50, 205, 213, 281, 305, 307, 309, 311, 319, 327, 330, 332, and 335.
8. Standard Industrial Classification Manual, United States Office of Management and Budget, 1987.
9. 2008 Texas 303(d) List, Texas Commission on Environmental Quality, March 19, 2008 (approved by EPA on March 19, 2008).
10. *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.
11. *Guidance Manual for Conditional No Exposure from Storm Water Permitting Based on 'No Exposure' of Industrial Activities to Storm Water*, U.S. EPA Office of Water, Publication Number EPA 833-B-00-001, June, 2000.
12. *Conditional No-Exposure Exclusion for Storm Water 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, February, 2009.
13. *NPDES Storm Water Program Question and Answer Document, Volume 1*, U.S. EPA, 1993.

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Appendix A - Benchmark Sampling

1. Methods Used to Evaluate Data:

The benchmark monitoring results were compiled in a spreadsheet. The data were divided by industrial sectors, then further into individual standard industrial classification (SIC) codes or industrial activity (IA) codes. The median, the average, the maximum, the minimum and the total number of samples were calculated for each group. If a benchmark result was reported as ND (not detected), the minimum analytical level (MAL) was entered as a result. Furthermore, the value of each benchmark was plotted into a graph showing all values in the respective group.

The results of monitoring for permit years 2007 and 2008 are shown in appendix B of this fact sheet.

The median of all groups were compared to the existing MSGP benchmark values, and these results are provided in the table below:

2. Table of Proposed Changes:

Table 260. Table of Proposed Changes

Pollutant	2006 Benchmark Level	2006 Sectors required to monitor	Proposed Level <i>{Justification of change}</i>	Proposed Sector(s) to monitor <i>{Explanation of change}</i>
COD	55 mg/L	A, B, G, K, N, S, U	60 mg/L <i>{Raised to be near median result}</i>	A, B, G, K, N, S, U <i>{No change}</i> AD <i>{Added as new sector}</i>
TSS ₁	100 mg/L	A, C, D, E, F, G, H, J, L, M, N, O, Q, U, AA	100 mg/L	A (2426), C (2873-2879), E (3262-3269), F, G, L, M, N, U (2074-2079) <i>{No change}</i> AD <i>{Added as new sector}</i>
TSS ₂	100 mg/L	A, C, D, E, F, G, H, J, L, M, N, O, Q, U, AA	50 mg/L <i>{Lowered to be near median result of certain sectors}</i>	A (2411, 2421), C (2812-2819), D, E(3251-3259, 3271-3275), H, J, O, Q, U (2041-2048), AA <i>{Sectors with median result less than 50 mg/l}</i>

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Pollutant	2006 Benchmark Level	2006 Sectors required to monitor	Proposed Level <i>{Justification of change}</i>	Proposed Sector(s) to monitor <i>{Explanation of change}</i>
Zinc	0.16 mg/L	A, C, F, N, Q, Y, AA	0.16 mg/L <i>{No change since median is similar to existing benchmark level}</i>	A, C, F, N, Q, Y, AA <i>{No change}</i>
Arsenic	0.17 mg/L	A, K	0.01 mg/L <i>{Lowered to be near median result}</i>	A, K <i>{No change}</i>
Copper	0.03 mg/L	A, F, N	0.03 mg/L <i>{No change}</i>	A, F, N <i>{No change}</i>
Aluminum	1.2 mg/L	C, E, F, H, M, N, Q, AA	1.2 mg/L <i>{No change in value, since values are in same range as existing benchmark level}</i>	C, E, F, H, M, N, Q, AA <i>{No change}</i>
Iron	1.3 mg/L	C, E, F, H, L, M, N, O, Q, AA	1.3 mg/L <i>{No change, since values are in same range as existing benchmark level}</i>	C, E, F, H, L, M, N, O, Q, AA <i>{No change}</i>
Nitrate-nitrite-nitrogen	0.68 mg/L	C, G, J, U, AA	0.68 mg/L <i>{No change, since values are in same range as existing benchmark level}</i>	C, G, J, U, AA <i>{No change}</i>
Lead	0.01 mg/L	C, K, M, N, Q	0.01 mg/L <i>{No change, since values are in same range as existing benchmark level}</i>	C, K, M, N, Q <i>{No change}</i>

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Pollutant	2006 Benchmark Level	2006 Sectors required to monitor	Proposed Level <i>{Justification of change}</i>	Proposed Sector(s) to monitor <i>{Explanation of change}</i>
Phosphorous	1.25 mg/L	C	1.25 mg/L <i>{No change, since values are in same range as existing benchmark level}</i>	C <i>{No change}</i>
pH	6 to 9 STU	E, J, S	6 to 9 standard units <i>{No change, since values are in same range as existing benchmark levels, and value is appropriate for storm water}</i>	E (3251-3259, 3262-3269), J, S, AD, and E (3271-3275) <i>{Added to AD since pH is a typical parameter that is regulated in individual storm water permits.}</i>
Ammonia-nitrogen	8.11 mg/L	K, S	2.5 mg/L <i>{All data points except for one were less than 2.5 mg; therefore the maximum level reported was established as the new benchmark level}</i>	K, S <i>{No change}</i>
Silver	0.032 mg/L	K	0.002 mg/L <i>{Lowered to the MAL which is equal to the median}</i>	K <i>{No change}</i>
Cadmium	0.016 mg/L	K	0.001 mg/L <i>{Lowered to the MAL which is equal to the median}</i>	K <i>{No change}</i>

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Pollutant	2006 Benchmark Level	2006 Sectors required to monitor	Proposed Level <i>{Justification of change}</i>	Proposed Sector(s) to monitor <i>{Explanation of change}</i>
Cyanide	0.064 mg/L	K	0.02 mg/L <i>{Lowered to the MAL which is equal to the median}</i>	K <i>{No change}</i>
Mercury	0.0019 mg/L	K	0.0002 mg/L <i>{Lowered to the MAL which is equal to the median}</i>	K <i>{No change}</i>
Selenium	0.05 mg/L	K	0.01 mg/L <i>{Lowered to the MAL which is equal to the median}</i>	K <i>{No change}</i>
Magnesium	0.064 mg/L	K	1.4 mg/L <i>{Increased to the median}</i>	K <i>{No change}</i>
BOD ₅	30 mg/L	S, T, U	30 mg/L	T <i>{Eliminated monitoring in Sectors S and U, which also monitor COD}</i>
Oil and grease	10 mg/L	Not applicable	10 mg/L	AD <i>{Included since oil and grease is a typical parameter that is regulated in individual storm water permits.}</i>

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Appendix B – Analytical data

Table 271. Chemical Oxygen Demand Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2421	42	72		55
A	2426	3	81		55
B	2631	0	NA		55
G	1021	0	NA		55
K	HZ	24	46		55
N	5093	192	55		55
S	4512-4581	0	NA		55
U	2074-2079	11	86		55
	Median of all samples	272	61	60*	55

Table 28. TSS Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2411	19	17	50*	100
A	2421	42	46	50*	100
A	2426	3	118	100	100
C	2812-2819	86	33	50*	100
C	2873-2879	42	97	100	100
D	2951 2952	115	28	50*	100
E	3251-3259	5	33	50*	100
E	3262-3269		NA	100	100
E	3271-3275	257	27	50*	100
F	3312-3317	37	71	100	100
F	3321-3325	43	104	100	100
G	1021		NA	100	100
H	1221-1241	20	18	50*	100
J	1411,22-29,81	62	10	50*	100
J	1442, 1446	44	26	50*	100
L	LF	173	63	100	100
M	5015	261	66	100	100
N	5093	197	79	100	100
O	SE	104	30	50*	100
Q	4412-4499	57	31	50*	100
U	2041-2048	63	49	50*	100
U	2074-2079	11	436	100	100
AA	3411,71,82,99,3911,15	248	32	50*	100

Table 29. Zinc Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2421	42	0.039	0.16	0.16
C	2821-2824	55	0.13	0.16	0.16

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Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2841-2844	33	0.08	0.16	0.16
C	2873-2879	45	0.06	0.16	0.16
F	3312-3317	40	0.2	0.16	0.16
F	3321-3325	43	0.23	0.16	0.16
F	3351-3357	0	NA	0.16	0.16
F	3363-3369	0	NA	0.16	0.16
N	5093	190	0.23	0.16	0.16
Q	4412-4499	65	0.12	0.16	0.16
Y	3011	0	NA	0.16	0.16
Y	3021	0	NA	0.16	0.16
Y	3052-3053	5	0.25	0.16	0.16
Y	3061-3069	8	0.05	0.16	0.16
AA	3411,71,82,99,3911,15	287	0.21	0.16	0.16
AA	3411,71,82,99,3911,15	79	0.2	0.16	0.16
	Median of all samples	892	0.17		

Table 30. Arsenic Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2491	33	0.01	0.01*	0.17
K	HZ	17	0.01	0.01*	0.17
	Median of all samples	50	0.01		

Table 315. Copper Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2491	33	0.059	0.03	0.03
F	3321-3325	43	0.035	0.03	0.03
F	3351-3357	0	NA	0.03	0.03
F	3363-3369	0	NA	0.03	0.03
N	5093	176	0.034	0.03	0.03

Table 326. Aluminum Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2812-2819	92	1.2	1.2	1.2
E	3251-3259	19	4.4	1.2	1.2
E	3262-3269	0	NA	1.2	1.2
F	3312-3317	35	1.7	1.2	1.2
F	3321-3325	42	1.2	1.2	1.2
H	1221-1241	22	0.4	1.2	1.2
M	5015	262	1.5	1.2	1.2
N	5093	192	2.3	1.2	1.2
Q	4412-4499	66	0.95	1.2	1.2
AA	3411,71,82,99,3911,15	286	1	1.2	1.2

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Table 337. Iron Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2812-2819	94	0.9	1.3	1.3
C	2873-2879	44	1.83	1.3	1.3
E	3271-3275	251	0.95	1.3	1.3
F	3321-3325	40	2.9	1.3	1.3
H	1221-1241	22	0.55	1.3	1.3
L	LF	179	2	1.3	1.3
M	5015	261	1.2	1.3	1.3
N	5093	191	2.9	1.3	1.3
O	SE	112	1	1.3	1.3
Q	4412-4499	66	1.3	1.3	1.3
AA	3411,71,82,99,3911,15	287	1.3	1.3	1.3
		1547			

Table 48. Nitrate, Nitrite, and Nitrogen Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2812-2819	90	0.58	0.68	0.68
C	2841-2844	33	0.46	0.68	0.68
C	2873-2879	49	2	0.68	0.68
G	1021	0	NA	0.68	0.68
J	14,421,446	37	0.22	0.68	0.68
U	2074-2079	11	1.6	0.68	0.68
AA	3411,71,82,99,3911,15	265	0.5	0.68	0.68
AA	3479	76	0.49	0.68	0.68
		561			

Table 49. Lead Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2873-2879	30	0.0075	0.01	0.01
K	HZ	27	0.01	0.01	0.01
M	5015	251	0.023	0.01	0.01
N	5093	195	0.026	0.01	0.01
Q	4412-4499	65	0.008	0.01	0.01
		568			

Table 34. Phosphorus Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2873-2879	45	0.78	1.25	1.25

Table 35. pH Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed std units	MSGP mg/L
E	3251-3259		7	6 to 9	6 to 9

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Sector	SIC	Samples Number	Medians mg/L	Proposed std units	MSGP mg/L
J	1411,22,29,81		8	6 to 9	6 to 9
S	4512-4581		NA	6 to 9	6 to 9

Table 52. Ammonia-Nitrogen Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	16	0.22	2.5*	8.11
S	4512-4581	0	NA		8.11
		16			

Table 36. Silver Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	14	0.002	0.002*	0.032
		14			

Table 37. Cadmium Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	16	0.001	0.001*	0.016
		16			

Table 385. Cyanide Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	13	0.02	0.02*	0.064
		13			

Table 396. Mercury Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	13	0.0002	0.0002*	0.0019
		13			

Table 407. Selenium Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	13	0.01	0.01*	0.05
		13			

Table 58. Magnesium Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	40	1.4	1.4*	0.064
		40			

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Table 59. Biochemical Oxygen Demand (5 day) Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
S	4512-4581	0	NA	Delete*	30
T	TW	368	5.3	30	30
U	2074-2079	11	17	Delete*	30
		379			

Table 410. Sector AD Benchmark Levels

Pollutant	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
pH (s.u.)				6.0-9.0*	N/A
COD				60*	N/A
TSS				100*	N/A
Oil & Grease				10*	N/A

* The highlighted fields and **bold numbers** indicate the benchmark level has been modified.