
COMMISSIONERS' RESPONSE TO PUBLIC COMMENT
ON GENERAL PERMIT NO. TXG830000

The executive director of the Texas Commission on Environmental Quality (commission or TCEQ) files this Response to Public Comment on Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG830000 authorizing the discharge of waters contaminated by petroleum fuel or petroleum substances. As required by Texas Water Code (TWC), §26.040(d) and 30 Texas Administrative Code §205.3(c), before a general permit is issued, the executive director must prepare a response to all timely, relevant and material, or significant comments. The response must be made available to the public and filed with the Office of the Chief Clerk at least ten days before the commission considers the approval of the general permit. This response addresses all timely received public comments, whether or not withdrawn. A timely public comment letter was received from Oncor Electric Delivery Company, LLC (Oncor).

Background

TPDES General Permit No. TXG830000 authorizes the discharge of waters contaminated by petroleum fuel or petroleum substances. The general permit authorizes petroleum contaminated discharges from the following: groundwater pump tests; groundwater, surface water, and soil remediation activities; cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances; removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances; removal of accumulated groundwater from excavation sites; and removal of accumulated water from utility and pipeline vaults.

Unless specifically exempted from the notice requirements, all applicants seeking authorization to discharge under this general permit shall submit a completed Notice of Intent (NOI). Applicants submit the NOI to the TCEQ and provisional coverage begins 48 hours after the postmark date.

Wastewater is subject to numeric limitations for total petroleum hydrocarbons, total lead, benzene, BTEX (the sum of benzene, toluene, ethylbenzene, and total xylenes), polynuclear aromatic hydrocarbons (PAH), pH, and methyl tertiary-butyl ether (MTBE) which are continued from the existing permit.

This general permit will replace the previous permit that expires on September 12, 2013.

Procedural Background

TCEQ published notice of the draft permit to solicit public comment in *The Dallas Morning News*, *Houston Chronicle*, *Corpus Christi Caller-Times*, and the *Texas Register* on April 26, 2013. The public comment period ended on May 28, 2013. This

permit is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

Comment and Response

Comment:

Oncor comments that the *Texas Nonpoint Source Management Program* guidance document identifies a variety of erosion control and prevention methods, including vegetation. Oncor recommends revising Part III, Section B.2 to allow alternative best management practices for erosion control at discharge locations.

Response:

The commission agrees that surfaces other than splash pads and paved areas can be effective at controlling erosion. Therefore, Part III, Section B.2 was revised as follows in response to the comment:

The discharge shall be to a splash pad, paved area, or other alternative surface to prevent erosion. The rate of discharge shall be controlled through best management practices to prevent flooding and erosion.