

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for General Permit Adoption

**AGENDA REQUESTED:** August 10, 2022

**DATE OF REQUEST:** June 22, 2022

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED:** Gwen Ricco, Texas Register/Agenda Coordinator, (512) 239-2678

**CAPTION: Docket No. 2022-0187-MIS.** Consideration of the adoption of an amendment with renewal of the Texas Pollutant Discharge Elimination System General Permit TXG340000 authorizing discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals. Public notice of the proposed general permit was published in the March 18, 2022, issue of the *Texas Register* (47 TexReg 1497). (Shannon Gibson, Kathy Humphreys) (Non-Rule Project No. 2021-036-OTH-NR)

Earl Lott

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**Director**

Robert Sadlier

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**Division Deputy Director**

Gwen Ricco

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**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** July 22, 2022

**Thru:** Laurie Gharis, Chief Clerk  
Toby Baker, Executive Director

**From:** *EL* Earl Lott, Director  
Office of Water

**Docket No.:** 2022-0187-MIS

**Subject:** General Permit: Commission Approval for Adoption  
Renewal with Amendment of General Permit No. TXG340000  
Project Number: 2021-036-OTH-NR

### Summary and background:

This is a renewal with amendments of a Texas Pollutant Discharge Elimination System (TPDES) general permit which authorizes discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals. The renewal with amendments would replace the current permit when it expires on October 24, 2022.

### Basic requirements:

#### A. Applicability:

TPDES General Permit No. TXG340000 authorizes discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals.

#### B. Permit Requirements:

Applicants must submit a Notice of Intent (NOI) to the Texas Commission on Environmental Quality (TCEQ, agency, or commission) to obtain authorization under the general permit. Provisional coverage will begin 48 hours after the postmark date. If the TCEQ provides for electronically submitted NOIs, provisional coverage would begin immediately after receipt of an electronically submitted NOI.

Discharges of facility wastewater and contact stormwater are subject to annual whole effluent toxicity testing and weekly effluent monitoring. The permit contains effluent limitations for total petroleum hydrocarbons; benzene; the sum of benzene, toluene, ethylbenzene, and xylenes (commonly known as BTEX); total lead; methyl tertiary-butyl ether (commonly known as MTBE); and pH.

Discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities are subject to effluent limitations for hazardous metals, and must be monitored annually.

A stormwater pollution prevention plan must be developed and implemented for each facility that discharges stormwater associated with industrial activities.

#### C. Fees:

Fees include a \$100 NOI application fee and a \$500 annual fee.

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**Number of current/expected authorizations:**

There are currently 21 facilities authorized under this general permit. A significant number of additional NOIs are not expected.

**Proposed changes from the current permit:**

- A. Clarify that impaired waters are listed as category 4 or 5 in the *Texas Integrated Report of Surface Water Quality*.
- B. Clarify that annual Discharge Monitoring Reports (DMRs) are required to be reported by March 31 of the following year. This requirement was included in the 2017 TXG340000 Fact Sheet but was not included in the permit language.
- C. Revise the electronic reporting waiver so that it only applies to application forms. DMRs would be required to be reported electronically. Currently this general permit only has 21 active authorizations. TCEQ has determined that it is not cost effective to develop electronic reporting tools for the small number of permittees currently authorized under this general permit. TCEQ will re-evaluate the continued need for this waiver during the next permit action.

**Planned stakeholder involvement:**

The status of this permit renewal was included in the quarterly Water Quality Advisory Workgroup meetings and posted on the TCEQ General Permits website. Following permit re-issuance, a notification will be sent to all active permittees notifying them that they must renew their authorization within 90 days of the effective date of the re-issued permit.

**Environmental Protection Agency (EPA) Review:**

On October 28, 2021, the draft permit was sent to EPA for their review. On December 21, 2021, the TCEQ received a no objection letter without comments from the EPA.

**Public comment:**

The public comment period ended on April 25, 2022. No public comments were received.

**Potential controversial concerns and legislative interest:**

Legislative interest or issues with the public or the EPA are not anticipated.

**Effect on the:**

This renewal with amendments is not expected to have any significant effect on the regulated community, the public, or agency programs

**Key dates in the proposed general permit schedule:**

Published notice in *Texas Register* and newspapers: March 25, 2022

Public comment period ended: April 25, 2022

Scheduled Commission Agenda Date: August 10, 2022

**Statutory authority:**

- Texas Water Code (TWC), §26.121, which makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission;

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- TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state; and
- TWC, §26.040, which provides the commission with authority to amend rules to authorize waste discharges by general permit.

**Agency Contacts:**

Shannon Gibson, Project Manager, Water Quality Division, 512-239-4284

Kathy Humphreys, Staff Attorney, Environmental Law Division, 512-239-3417

Gwen Ricco, Texas Register Coordinator, 512-239-2678

Attachments: Draft Permit, Fact Sheet, and Public Notice

cc: Chief Clerk, 7 copies

# Texas Commission on Environmental Quality

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



## GENERAL PERMIT TO DISCHARGE WASTES

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

This permit supersedes and replaces  
TPDES General Permit No. TXG340000, issued October 10, 2017.

Facility wastewater, contact stormwater, and stormwater associated with industrial activities may be discharged from petroleum bulk stations and terminals, located in the State of Texas,

into or adjacent to water in the state, including exceptional, high, intermediate, limited, or minimal aquatic life use receiving waters as designated in the *Texas Surface Water Quality Standards*,

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

This general permit and the authorization contained herein will expire at midnight on October 24, 2027.

EFFECTIVE DATE: October 24, 2022

DATE SIGNED:

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For the Commission

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## Part I. Definitions

**Composite sample** - A sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow.

**Contact stormwater** - For the purposes of this general permit, stormwater, including stormwater from secondary containment areas, that has come into contact with facility wastewater.

**Daily maximum limitations** - The maximum concentration, by grab sample, measured on a single day within a single calendar month.

**Discharge** - Deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

**Edwards Aquifer** - As defined in 30 Texas Administrative Code (TAC) § 213.3, *Edwards Aquifer Definitions*, that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

**Edwards Aquifer Recharge Zone** - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ and the appropriate underground water conservation district(s).

**Facility wastewater** - For the purpose of this general permit facility wastewater is defined as tank bottom water, tank condensates, loading rack wash water and similar water that has come into contact with the contents of bulk storage tanks.

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

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

**Municipal separate storm sewer system (MS4)** - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or

other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an indian tribe or an authorized indian tribal organization, or a designated and approved management agency under Clean Water Act (CWA) §208;

- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 Code of Federal Regulations (CFR) §122.2.

**Notice of change or NOC** - A written submission to the executive director from a permittee authorized under a general permit, providing information on changes to information previously provided to the commission, or any changes with respect to the nature or operations of the facility or the characteristics of the discharge.

**Notice of intent or NOI** - A written submission to the executive director from an applicant providing notice of the permittee's intent to discharge or dispose of waste under the provisions of a general permit.

**Notice of termination or NOT** - A written submission to the executive director from a permittee authorized under a general permit providing notice of the permittee's intent to cease the discharge or disposal of waste under the provision of a general permit.

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

**Owner** - The person who owns a treatment facility or part of a treatment facility.

**Permittee** - Any person issued an individual permit or order, or authorized by a general permit.

**Petroleum bulk stations and terminals** - Establishments primarily engaged in the cooperative or wholesale distribution of refined petroleum products or petroleum fuels from bulk liquid storage facilities.

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

**Stormwater associated with industrial activities** - For the purposes of this general permit, stormwater runoff from areas where vehicle maintenance (vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities occurs at petroleum bulk stations and terminals.

**Texas Pollutant Discharge Elimination System (TPDES)** - The state program for issuing, amending, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §§307, 402, 318, and 405, the TWC and TAC regulations.

**Treatment facility** - Facilities used in conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial waste, agricultural waste, recreational waste, or other waste including sludge handling or disposal facilities under the jurisdiction of the commission.



**Water in the state** - Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

## **Part II. Permit Applicability and Coverage**

### **Section A. Discharges Covered**

This general permit authorizes the discharge of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals.

### **Section B. Limitations on Coverage**

1. Separate authorization may be required for discharges into or adjacent to water in the state, located within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 TAC Chapter 213, *Edwards Aquifer*.
2. Discharges are not eligible for authorization by this general permit where prohibited by:
  - (a) 30 TAC Chapter 311, *Watershed Protection*;
  - (b) 30 TAC Chapter 213, *Edwards Aquifer*; or
  - (c) any other applicable rules or laws.
3. This general permit does not apply to discharges into or adjacent to water in the state from facilities that are regulated by the Texas Railroad Commission, including crude oil facilities.
4. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC, Chapter 305, *Consolidated Permits*, and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed as category 4 or 5 in the current version of the *Texas Integrated Report of Surface Water Quality*, and waterbodies listed on the CWA §303(d) list. Constituents of concern are those pollutants for which the water body is listed as impaired.
5. Discharges of the constituent(s) of concern to impaired water bodies when there is a TCEQ approved Total Maximum Daily Load (TMDL) implementation plan are not eligible for this permit unless they are consistent with the approved TMDL and the implementation plan. The executive director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this permit, the discharger must apply for and receive an individual or other applicable general permit prior to discharging.

6. The executive director will deny an application for authorization under this general permit, and may require that the applicant apply for an individual permit, if the executive director determines that the discharge will not maintain existing uses of receiving waters. Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit. The executive director shall deny or suspend a facility's authorization to discharge under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC § 60.3, *Use of Compliance History*. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its authorization denied or suspended, in accordance with TWC §26.040(h). Denial of authorization to discharge under this general permit will be done according to commission rules in 30 TAC Chapter 205, *General Permits for Waste Discharges*.
7. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.
8. A new discharge is not eligible for coverage under this permit for discharges to waters designated by the Texas Surface Water Quality Standards as Tier 3 (Outstanding Natural Resource Waters). As of the date of this general permit being issued, TCEQ has not identified any Outstanding Natural Resource Waters.

### **Section C. Application for Coverage**

1. Facilities that seek to discharge under authority of this general permit shall submit a completed Notice of Intent (NOI) on a form approved by the executive director. The NOI must include at a minimum the legal name and address of the owner and operator, the facility name and address, specific description of the location, type of facility or discharges, and the name of the receiving water (s). Permittees authorized under the previous general permit are required to submit a new NOI within 90 days of the effective date of this general permit to continue authorization to discharge.
2. Submission of an NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. Provisional authorization begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. The NOI must be submitted to the address indicated on the NOI form. If the TCEQ provides for electronic submission of NOIs during the term of this general permit, authorization begins immediately after the TCEQ confirms receipt of the electronic NOI. Following review of the NOI, the executive director will:
  - (a) determine that the NOI is complete and confirm coverage by providing a written notification and an authorization number;

- (b) determine that the NOI is incomplete and request additional information needed to complete the NOI; or
  - (c) deny coverage in writing. Denial of coverage will be made in accordance with 30 TAC § 205.4, *Applications and Notices of Intent*.
3. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) shall provide a copy of the NOI or electronic equivalent to the operator of the system at the same time an NOI is submitted to the TCEQ.
  4. For activities located in areas regulated by 30 TAC Chapter 213, *Edwards Aquifer*, this authorization to discharge is separate from the requirements of the applicant's responsibilities under that rule. Discharge may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of the Edwards rules are met, including a TCEQ approved Edwards Aquifer protection plan, if applicable. For discharges located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional offices shown below. The applicant may not discharge until authorization is received from the regional office.

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

Counties: Williamson, Travis, Hays  
Contact: TCEQ Water Program Manager  
Austin Regional Office  
P.O. Box 13087  
Austin, Texas 78711-3087  
(512) 339-2929

5. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days prior to the change in owner or operator status. Any change in a permittee's charter number issued by the Texas Secretary of State, is considered a change in ownership of the company and requires the new owner and operator to apply for permit coverage as stated above. If the NOT and NOI are submitted as required under this provision, there will be no lapse in authorization for this facility. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the time the NOT is submitted to the TCEQ.
6. If the owner or operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information, in an NOI, the correct information shall be provided to the executive director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI

changes, for example, permittee address, phone number, outfall information, Discharge Monitoring Report (DMR) contact, or billing contact, an NOC shall be submitted within 14 days of the change. Permittees discharging to an MS4 shall submit a copy of the NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

#### **Section D. Termination of Coverage**

A permittee shall terminate coverage under this general permit through the submittal of a NOT, on a form approved by the executive director, when the owner or operator of the facility changes, the discharge becomes authorized under an individual permit, the use of the property changes and is no longer subject to regulation under this general permit, or the discharge becomes unnecessary, is delayed, or is completed. Authorization to discharge terminates on the day that a NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately after TCEQ confirms receipt of the NOT. The permittee shall comply with the conditions and requirements of this permit until a NOT is submitted. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.

#### **Section E. Authorization Under a TPDES Individual Permit**

1. Discharges eligible for authorization by this general permit may alternatively be authorized by an individual permit according to 30 TAC Chapter 305, *Consolidated Permits*.
2. When an individual permit is issued for a discharge, that is currently authorized under this general permit, the permittee shall submit a NOT to the executive director.
3. Discharges from facilities currently authorized by an individual permit or another general permit, may only be authorized under this TPDES general permit if the following conditions are met:
  - (a) the discharges meet the applicability and eligibility requirements for coverage under this general permit;
  - (b) the current individual permit does not contain numeric water quality-based effluent limitations for the discharge that are more stringent than the numeric effluent limitations in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated;
  - (c) the executive director has not determined that continued coverage under an individual permit is required based on consideration of a TMDL, TMDL Implementation Plan, anti-backsliding requirements, history of substantive non-compliance, or other site-specific considerations;
  - (d) a previous application or permit for the discharge was not denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director

- may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator; and
- (e) the applicant requests cancellation of the existing TPDES individual permit within 30 days after notice that authorization under this general permit is effective.
4. Discharges from new outfalls at a petroleum bulk station and terminal authorized under an individual permit or under a separate TPDES general permit, may be authorized under this general permit if the following conditions are met:
- (a) the proposed discharge meets the applicability and eligibility requirements for coverage under this general permit;
  - (b) the current individual permit does not contain numeric water quality-based effluent limitations that are more stringent than the numeric effluent limitation in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated;
  - (c) the executive director has not determined that coverage under an individual permit is required based on consideration of a TMDL, TMDL Implementation Plan, history of substantive non-compliance, or other site-specific considerations; and
  - (d) a previous application or permit for the proposed discharge has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator.

#### **Section F. Permit Expiration**

1. This general permit is effective for five years from the effective date. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. This general permit may be amended, revoked, or cancelled by the commission after notice and comment as provided by 30 TAC §§205.3, *Public Notice, Public Meetings, and Public Comment* and 205.5, *Permit Duration, Amendment, and Renewal*.
2. If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC Chapter 205. The general permit will remain in effect for these dischargers until the commission takes final action on the proposal to reissue this general permit. No new NOIs will be processed by the executive director and no new authorizations will be issued under this general permit after the expiration date of the general permit or after the effective date of an amended and re-issued general permit.

3. Upon issuance of a renewed or amended general permit, all facilities, including those covered under the expired general permit, will be required to submit an NOI according to the requirements of the new general permit or obtain coverage under an individual permit for those discharges.
4. According to 30 TAC §205.5(d), *Permit Duration, Amendment, and Renewal*, if the commission does not propose to reissue this general permit at least 90 days before the expiration date, permittees authorized under this general permit must submit an application for an individual or alternative general permit before the expiration date. If the application for an individual or alternative general permit is submitted before the general permit expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit or authorization under an alternative general permit.

### Part III. Permit Requirements

#### Section A. Numeric Effluent Limitations

1. Discharges of facility wastewater or contact stormwater, are subject to the following effluent limitations:

Table 1. Effluent Limitations

Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Flow	Report MGD	Estimate	1/day
Total Petroleum Hydrocarbons (1)	15 mg/L	Grab	1/week (2)(3)
Benzene	0.05 mg/L	Grab	1/week (2)(3)
BTEX, total (4)	0.5 mg/L	Grab	1/week (2)(3)
Lead, total	0.10 mg/L (6)	Grab	1/week (2)(3)(5)
Lead, total	0.02 mg/L (6)	Grab	1/week (2)(3)(5)
MTBE (7)	0.15 mg/L	Grab	1/week (2)(3)(8)
pH	6.0 - 9.0 Std. Units	Grab	1/week (2)(3)

- (1) Total petroleum hydrocarbons shall be analyzed using TCEQ Method 1005.
- (2) If compliance with the effluent limitation is demonstrated for a period of two consecutive years, the minimum monitoring frequency may be reduced to once per two weeks upon the permittee's submission of a certification of such compliance. This certification must be made in writing to the TCEQ's Industrial Permits Team (MC 148) and shall include

the sworn statement in Part III. Section A.3. If a subsequent noncompliance occurs, the monitoring frequency must revert to once per week.

- (3) For a discharge consisting solely of contact stormwater, the sample must be collected within 60 minutes after discharge begins.
  - (4) The sum of benzene, toluene, ethylbenzene, and xylenes.
  - (5) The monitoring frequency for total lead will be once per year upon the permittee's certification in the NOI that none of the substances stored at the facility include refined petroleum products or petroleum fuels containing lead or lead additives. If refined petroleum products or petroleum fuels containing lead or lead additives are stored at a later date, the permittee must submit an NOC to the executive director within 14 days of the change and the monitoring frequency will become once per week.
  - (6) The daily maximum effluent limitation for total lead is 0.02 mg/L for discharges in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For discharges in all other counties in the state, the daily maximum limitation is 0.10 mg/L.
  - (7) Methyl tertiary-butyl ether (MTBE).
  - (8) The monitoring frequency for MTBE will be once per year upon the permittee's certification in the NOI that none of the substances at the facility include refined products or petroleum fuels containing MTBE. If refined petroleum products or petroleum fuels containing MTBE are stored at the facility at a later date, the permittee must submit an NOC to the executive director within 14 days of the change and the monitoring frequency for MTBE will become once per week.
2. Discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities are subject to the following effluent limitations for hazardous metals:

Table 2. Hazardous Metals

<b>Parameter</b>	<b>Daily Maximum Limitations (mg/L)</b>	<b>Sample Type</b>	<b>Monitoring Frequency</b>	<b>Minimum Analytical Level (MAL) (1) (mg/L)</b>
Arsenic, total	0.3	Grab	1/year	0.0005
Barium, total	4.0	Grab	1/year	0.003
Cadmium, total (inland waters)	0.2	Grab	1/year	0.001

Parameter	Daily Maximum Limitations (mg/L)	Sample Type	Monitoring Frequency	Minimum Analytical Level (MAL) (1) (mg/L)
Cadmium, total (tidal waters)	0.3	Grab	1/year	0.001
Chromium, total	2.0	Grab	1/year	0.003
Copper, total	2.0	Grab	1/year	0.002
Manganese, total	3.0	Grab	1/year	0.0005
Mercury, total	0.01	Grab	1/year	0.000005
Nickel, total	3.0	Grab	1/year	0.002
Selenium, total (inland waters)	0.2	Grab	1/year	0.005
Selenium, total (tidal waters)	0.3	Grab	1/year	0.005
Silver, total	0.2	Grab	1/year	0.0005
Zinc, total	6.0	Grab	1/year	0.005

(1) By establishing MALs, TCEQ is not requiring use of the corresponding analytical test method, nor is TCEQ requiring analytical results to be submitted where the laboratory test was run to achieve this MAL. For permitting and compliance purposes, MALs are used to allow the permittee to submit analytical results as nondetect. Nondetect analytical results are assumed to represent a concentration of zero (0) mg/L (or µg/L as appropriate).

3. A request to the TCEQ's Industrial Wastewater Permits Team (MC-148) to reduce monitoring frequencies for total petroleum hydrocarbons, total lead, benzene, total BTEX, or MTBE shall include the following certification statement and be signed by the owner and operator of the regulated activity:

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



## Section B. Whole Effluent Toxicity Testing

Discharges of facility wastewater or contact stormwater are subject to whole effluent toxicity testing. Whole effluent toxicity testing is not required for discharges consisting solely of stormwater associated with industrial activities.

There must be no acute toxicity as determined by requiring greater than 50% survival of the appropriate test organism in 100% effluent using a 24-hour acute toxicity test on discharges of facility wastewater and contact stormwater. Monitoring for whole effluent toxicity must be completed once per 12 months using a composite sample.

### 1. Scope and Methodology

#### (a) Test Species

Freshwater: For discharges into freshwater receiving waters, the following test species must be used: *Daphnia pulex* (water flea) and *Pimephales promelas* (fathead minnow).

Marine Water: For discharges into marine receiving waters, the following test species must be used: *Mysidopsis bahia* (mysid shrimp) and *Menidia beryllina* (inland silverside).

- (b) Acute static nonrenewal 24-hour toxicity tests must be conducted using *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organism, Fifth Edition* (EPA-821-R-02-012) or the latest version. A minimum of five replicates with eight organisms per replicate must be used in the control and in each effluent dilution of this test.
- (c) The permittee shall test the effluent for lethality in accordance with the provision of this section. In addition to the use of 0% effluent control, testing will determine if an effluent sample meets the requirement of greater than 50% survival of the appropriate test organisms in 100 % effluent of a 24-hour period.

### 2. Required Toxicity Testing Conditions

#### (a) Control and Dilution Water

Freshwater: For discharges into freshwater receiving waters, control and dilution water must consist of a standard, synthetic, moderately hard, reconstituted water of similar pH and alkalinity to the closest downstream perennial water.

Marine Water: For discharges into marine receiving waters, control and dilution water will consist of a standard, synthetic reconstituted seawater.

- (b) Control Survival - If more than 10 % of the test organisms in any control die within 24 hours, that test, including the control and the 100 % effluent, must be repeated with all results from both tests reported as required in Item 4 (Reporting) of this section.
- (c) Repeat Test - The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this general permit are not satisfied. A

repeat test must be conducted within the required reporting period of any test determined to be invalid.

- (d) Sample Collection and Preservation - Samples must be collected at a point following the last treatment unit and prior to entering receiving waters. One flow-weighted composite sample representative of normal operating flows (see 30 TAC §319.9(c)) must be collected from each outfall, and a discrete test must be run on each composite sample. Samples must be chilled to 0-6 degrees Celcius and maintained in that temperature range during collection, shipping, and storage. The toxicity tests must be initiated within 36 hours after collection of the sample. The composite sample must be collected that makes the sample representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

If the outfall ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee shall collect a composite sample volume sufficient to complete the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report required in Item 4 (Reporting) of this section.

### 3. Persistent Mortality

These requirements apply when a toxicity test demonstrates significant lethality, here defined as a mean mortality of 50% or greater to organisms exposed to the 100% effluent concentration after 24-hours.

- (a) The permittee shall conduct two additional tests (retests) for each species that demonstrates significant lethality. The two retests must be conducted once per week for two weeks. Five effluent dilution concentrations in addition to appropriate 0% effluent control must be used in the retests. These additional effluent concentrations are 6%, 13%, 25%, 50% and 100% effluent. The first retest must be conducted no later than 15 days after the laboratory determines that a test exhibits significant lethality. The retests must also be reported on the DMRs as specified in Item 4 (Reporting) of this section.
- (b) If one or both of the retests exhibits significant lethality, the permittee shall submit the failing test results to the Water Quality Assessment Section (MC-150) within 20 days of test completion of the second retest for evaluation to determine if further action is required. Test completion is defined as the 24th hour.

### 4. Reporting

- (a) The permittee shall prepare a full report of the results of all tests and retests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of five years and must be made available upon request of the executive director.
- (b) The results of valid tests and all retests must be submitted on the DMR in the following manner: enter "0" if mean survival at 24 hours is greater than

50% in 100% effluent; if the mean survival at 24 hours is less than or equal to 50%, enter "1".

(c) Use the following DMR parameter codes for valid tests only:

Receiving Water	Species	Parameter Code
Freshwater	Water Flea	TIE3D
Freshwater	Fathead Minnow	TIE6C
Marine Water	Mysid Shrimp	TIE3E
Marine Water	Inland Silverside	TIE6B

(d) Enter the following codes on the DMR for retests only:

Retest Number	Receiving Water	Species	Parameter Code
Retest Number 1	All	All	22415
Retest Number 2	All	All	22416

### Section C. Stormwater Pollution Prevention Plan

#### 1. General Requirements

- (a) Contents - The permittee shall prepare and implement a stormwater pollution prevention plan (SWP3) for each facility that discharges stormwater associated with industrial activities. The SWP3 must address, at a minimum, the drainage areas and the discharges from, and the activities that occur within, areas where vehicle and equipment maintenance occurs.
- (b) Signature of the SWP3 - The SWP3 must be signed according to 30 TAC §305.128, *Signatories to Reports*.
- (c) Notice of Non-Compliance - The executive director may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this general permit. Within 30 days of receiving such notification and identification of the provisions of the general permit that are not being met by the SWP3, the permittee shall make the required changes to the SWP3, and submit to the executive director a written certification that the changes have been made.
- (d) Revisions of the SWP3 - The permittee shall revise the SWP3 whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants in the stormwater discharge.

#### 2. Minimum SWP3 Requirements

- (a) Pollution Prevention Team - The SWP3 must identify a specific individual or individuals within the facility organization as members of a stormwater pollution prevention team responsible for development, implementation, maintenance, and revision of the SWP3.

(b) Description of Potential Pollutant Sources - The SWP3 must identify and provide a description of actual and potential sources of pollution (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges, or that may result in a dry-weather discharge. The following must be developed, at a minimum, in support of developing this description.

(1) Drainage Area Map - A site map indicating the following:

- (i) each point of discharge (outfall) for discharges of stormwater associated with industrial activities;
- (ii) a depiction of the drainage area, the direction of flow to the outfalls, and an identification of the types of pollutants that are likely to be present in the stormwater discharges for each area of the facility that generates stormwater discharges with a reasonable potential for containing significant amounts of pollutants, including sediments (e.g., toxicity of the chemical, and the quantity of chemicals used, produced, or discharged);
- (iii) structural controls (e.g. ponds, vegetated buffers, and constructed stormwater pollution controls) within the drainage areas; and
- (iv) areas that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas.

(2) Inventory of Exposed Materials - An inventory must be developed listing materials handled at the site that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges authorized under this general permit.

(3) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drained to stormwater outfalls authorized under this general permit must be developed, maintained, and updated.

(4) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained as a part of the SWP3.

(c) Pollution Prevention Measures and Controls - The SWP3 must describe and ensure the implementation of pollution prevention measures, best management practices, and management controls that are to be used to prevent or effectively reduce pollutants in the discharge to assure compliance with the terms and conditions of this general permit, including the protection of water quality. The SWP3 must include a schedule for implementation of the prevention measures, best management practices, and management controls. This must include, at a minimum:

- (1) Good Housekeeping Measures - Good housekeeping measures must be developed and implemented to maintain vehicle maintenance related activities in a clean, orderly manner.
  - (i) Vehicle and Equipment Storage and Maintenance Areas - The storage of vehicles and equipment awaiting maintenance with actual or expected fluid leaks, and the areas where maintenance activities occur, must be confined to designated areas (delineated on the site map). The SWP3 must describe measures that prevent or minimize contamination of the stormwater runoff from these areas. The permittee shall consider the use of drip pans under vehicles and equipment, indoor storage of vehicles and equipment, performing maintenance activities indoors, installation of berms or dikes in storage areas, cleaning pavement surfaces to remove oil and grease, proper handling and disposal methods for drained fluids, using dry cleanup methods for spills, collecting contaminated stormwater from these areas for disposal or treatment, and other equivalent measures.
  - (ii) Fueling Areas - The SWP3 must describe measures to prevent or minimize contamination of stormwater runoff from areas where fueling occurs. The permittee shall consider covering fueling areas, using dry cleanup methods for spills, collecting contaminated stormwater runoff for treatment, or other equivalent measures.
  - (iii) Material Storage Areas - Material storage areas and containers must be maintained in good condition so as not to become a source of pollutants to stormwater runoff. The SWP3 must describe measures that prevent or minimize contamination of stormwater in material storage areas. The permittee shall consider indoor storage of materials, installation of berms or dikes to contain runoff, minimizing runoff and runoff in these areas, dry cleanup methods for spills, collecting contaminated stormwater runoff for treatment; or other equivalent measures.
  - (iv) Vehicle and Equipment Cleaning Areas - The SWP3 must describe measures that prevent or minimize contamination of stormwater runoff from vehicle and equipment cleaning activities. The permittee shall consider performing these activities indoors, covering the activities, collecting contaminated stormwater for treatment, or other equivalent measures. The discharge of process wastewater from these activities is not authorized by this general permit. The permittee shall ensure that process wastewater from these activities is either routed to a permitted treatment works or discharged according to the requirements of an applicable TPDES permit.

- (2) Preventive Measures - The permittee shall implement a preventive maintenance program that involves routine inspection and maintenance of stormwater management controls (including oil water separators, catch basins, drip pans, berms, dikes, and other similar controls). As part of the preventative maintenance program, the permittee shall inspect and test facility equipment and systems to discover conditions that could cause breakdowns or failures that may cause a discharge of pollutants to surface waters. The permittee shall ensure appropriate maintenance and performance of such equipment and systems.
- (3) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for spill prevention and clean up must be identified in the SWP3 and made available to the appropriate personnel.
- (4) Inspections - Qualified personnel must be identified in the SWP3 and shall inspect designated equipment and vehicle maintenance and storage areas on a quarterly basis, at a minimum. If feasible, at least one of the routine inspections in a 12 month period must be conducted during a period when a stormwater discharge is occurring. At a minimum, inspections must include areas where vehicles and equipment are stored awaiting maintenance, fueling areas, vehicle and equipment maintenance areas (both indoor and outdoor areas), material storage areas, and vehicle and equipment cleaning areas. The inspection is to determine the effectiveness of the Pollution Prevention Measures and Controls. When revisions or additions to the SWP3 are recommended as a result of inspections, a summary description of these proposed changes must be attached to the inspection report. The summary must identify any necessary time frames required to implement the proposed changes and the completion dates of the changes. If the permittee does not change the SWP3, the permittee must provide a written explanation. Records of inspections must be maintained, made readily available for inspection upon request, and certified according to 30 TAC §305.128, *Signatories to Reports*. Documentation of each routine inspection must include:
  - (i) the inspection date and time;
  - (ii) the name(s) of the inspector;
  - (iii) weather information and a description of any discharges occurring at the time of the inspection;
  - (iv) any previously unidentified discharges of pollutants at the site and any control measures needing maintenance or repairs;
  - (v) any failed control measure that needs replacement;

- (vi) any incidents of non-compliance that are observed;
  - (vii) any additional control measures needed to comply with the permit requirements; and
  - (viii) identification of any existing BMPs that are not being properly or completely implemented.
- (5) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or otherwise responsible for stormwater pollution prevention. The SWP3 must identify how often employee training must occur, which must be a minimum of once per year. Employee training records must be maintained in the SWP3.
- (6) Record Keeping and Internal Reporting Procedures - A description of spills must be included in the SWP3, along with other information that is collected regarding the quality and quantity of stormwater discharges. Inspection, training, and maintenance activities must be documented and records of such activities maintained in the SWP3.
- (7) Sediment and Erosion Control - The SWP3 must identify areas that have a high potential for soil erosion, and identify structural or vegetative control measures or best management practices to reduce or limit erosion.
- (8) Management of Runoff - The SWP3 must contain a narrative description of the plan for reducing the volume of runoff from vehicle and equipment maintenance areas, which may include diverting runoff, infiltration, detention ponds, retention ponds, reusing runoff, or otherwise managing runoff.
- (d) Comprehensive Site Compliance Evaluation - Qualified individuals must conduct a site compliance inspection and evaluation at an interval that is defined in the SWP3, but must be at least once per 12 months. The evaluation must include the following.
- (1) Areas draining stormwater associated with industrial activities must be visually examined for evidence of, or the potential for, pollutants entering the drainage system. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The permittee shall visually inspect all equipment needed to implement the SWP3, such as spill response equipment, to ensure it is available and in working condition.
  - (2) Based on the results of the evaluation, the following sections of the SWP3 must be revised as appropriate within 2 weeks of the evaluation: the description of potential pollutant sources and pollution prevention measures and controls identified in the SWP3 (as required in Section C.2.(c), Measures and Controls). The

revisions may include a schedule for implementing the necessary changes.

- (3) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation must be completed within 30 days of performing the annual comprehensive site compliance inspection. The report must be maintained as a part of the SWP3 for at least 5 years from the date of the evaluation. The report must identify all incidents of noncompliance. If there are no incidences of noncompliance, the report must contain a statement that the evaluation did not identify any noncompliance, and the report must be signed according to 30 TAC §305.128, *Signatories to Reports*.
- (4) The Comprehensive Site Compliance Evaluation may substitute for one of the required inspections required in Part III.C(4), Inspections.

#### **Section D. General Requirements**

1. Mixing zones shall not encompass an intake for a public water supply, and the discharge shall not be located within 300 feet of the intake for a public water supply.
2. Discharges shall be conducted so there is no danger of pollution to private or public water wells.
3. There shall be no discharge of floating solids or visible oil. The discharge must not exhibit foaming of a persistent nature as required by 30 TAC §307.4(b)(6), *Aesthetic Parameters*.
4. The discharge shall not contain a concentration of a taste or odor-producing substance that interferes with the production of potable water by reasonable water treatment methods; impart unpalatable flavor to food fish, including shellfish; result in offensive odors arising from the receiving waters; or otherwise interfere with reasonable uses of water in the state.
5. Operators of facilities that generate industrial solid wastes, as defined in 30 TAC §335.1, shall comply with the provisions of 30 TAC Chapter 335, *Industrial Solid Waste and Municipal Hazardous Waste*. If the requirements of 30 TAC Chapter 335 do not apply, the solid wastes shall be disposed of in accordance with the Texas Health and Safety Code Chapter 361, *Solid Waste Disposal*.
6. The disposal of waste and wastewater shall be done in such a manner as to prevent nuisance conditions.
7. The permittee shall provide the following noncompliance notifications:
  - (a) According to 30 TAC §305.125(9), *Standard Permit Conditions*, any noncompliance that may endanger human health or safety, or the environment must be reported by the permittee to the TCEQ. The information must be provided orally or by facsimile transmission (FAX) to the appropriate TCEQ regional office within 24 hours of the permittee



becoming aware of the noncompliance. A written report must also be provided by the permittee to the appropriate regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission must contain:

- (1) a description of the noncompliance and its cause;
  - (2) the potential danger to human health or safety, or the environment;
  - (3) the period of noncompliance, including exact dates and times;
  - (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue: and
  - (5) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and to mitigate its adverse effects.
- (b) In addition, any effluent violation that deviates from the permitted effluent limitation by more than 40% must be reported by the permittee in writing to the appropriate regional office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
- (c) Any noncompliance other than that specified in paragraphs (a) and (b) above, or any required information not submitted or submitted incorrectly, must be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances must be reported on the approved DMR form.

#### **Part IV. Standard Permit Conditions**

1. The permittee has a duty to comply with all conditions in this general permit. Failure to comply with any condition is a violation of the general permit and the statutes under which the general permit was issued. Any violation may be grounds for enforcement action, for terminating coverage under this general permit, or for requiring a permittee to apply for and obtain an individual permit.
2. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted discharge to maintain compliance with conditions of the general permit.
3. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with conditions of the general permit. Proper operation and maintenance also includes adequate laboratory and process controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.
4. The permittee shall submit, upon request of the executive director, any information that is necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee shall submit, upon request of the executive director, copies of all records that the permittee is

- required to maintain as a condition of this general permit. The requested information or records must be provided within a reasonable time and in no case later than 30 days from the date of the request.
5. The permittee shall give notice to the executive director before physical alterations or additions to the permitted facility if such alterations would result in a violation of the general permit requirements.
  6. Inspection and entry must be allowed under TWC Chapter 26, Texas Health and Safety Code §§361.032-361.033 and 361.037; and Title 40 CFR §122.41(I). The statement in TWC §26.014 that commission entry of a regulated entity will occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection are not grounds for denial or restriction of entry to any part of the regulated entity, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
  7. Standard monitoring and reporting requirements
    - (a) Samples must be collected, and measurements must be taken at times and in a manner so as to be representative of the monitored discharge.
    - (b) All samples must be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or the Environmental Protection Agency's (EPA), *Methods for Chemical Analysis of Water and Wastes* (1979), or the EPA's, *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).
    - (c) Sample containers, holding times, preservation methods, and analytical methods, must follow the requirements in 40 CFR Part 136 (as amended).
    - (d) The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
    - (e) The sampling point must be downstream of any treatment unit or technique.
    - (f) Analytical results for determining compliance with effluent limitations must be submitted online using the NetDMR reporting system available through the TCEQ website. Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit. Analytical results must be submitted on a monthly or annual basis, depending on the required sampling frequency. The DMR for any given month shall be due by the 20<sup>th</sup> day of the following month. The DMR for annual tests shall be due by March 31 of the following year. DMRs must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.D.7 of the general permit.
    - (g) The permittee shall retain all records required by this permit, including monitoring records and records related to the application or any certification requirements for a period of three years from the date of

record. The records must be retained at the facility or be readily available for review by the TCEQ personnel upon request. This period may be extended at the request of the executive director.

- (h) The records of monitoring activities must include:
  - (1) date, time, and place of sample or measurement;
  - (2) identity of individual who collected the sample or made the measurement;
  - (3) date of laboratory analysis;
  - (4) identity of the individual and laboratory who performed the analysis;
  - (5) the technique or method of analysis; and
  - (6) the results of the analysis or measurement.
- (i) All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, *Environmental Testing Laboratory Accreditation and Certification*.
- 8. All NOIs, NOTs, and NOCs must meet the requirements of 30 TAC §305.44(a), *Signatories to Applications*. All reports requested by the executive director must meet the requirements of 30 TAC §305.128, *Signatories to Reports*.
- 9. Authorization under this general permit may be suspended or revoked for the reasons stated in 30 TAC §205.4, *Authorizations and Notices of Intent*. Notifying the TCEQ of planned changes or an anticipated noncompliance does not stay any general permit condition.
- 10. This general permit does not convey any property rights of any sort, or any exclusive privilege.
- 11. If the permittee becomes aware that it failed to submit any relevant facts in an NOI, or submitted incorrect information in an NOI or in any report to the executive director, it shall promptly submit such facts or information.
- 12. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including, but not limited to, the following:
  - (a) violating CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a general permit issued under CWA, §402, or any requirement imposed in a pretreatment program approved under CWA, §§402(a)(3) or 402(b)(8);
  - (b) intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this permit; and
  - (c) intentionally or knowingly making or causing to be made a false material statement, representation, or certification in, or omits or causes to be omitted material information from, an application, notice, record, report,

plan, or other document, including monitoring device data, filed or required to be maintained by this permit.

13. Applicants seeking authorization under this general permit are hereby issued a partial waiver from the electronic reporting requirements of 40 CFR Part 127. Applicants may continue to submit NOI, NOT, and NOC forms to TCEQ in paper format. However, permittees must submit DMRs online using the NetDMR reporting system available through the TCEQ website.

#### **Part V. Fees**

1. Application Fee - An NOI must include a \$100 application fee. A fee is not required for submission of a NOT or NOC.
2. Annual Water Quality Fee - Permittees with an active authorization on September 1 of each year (who have not submitted a NOT prior to this date) will be billed \$500 for the following fiscal year.

# Fact Sheet and Executive Director's Preliminary Decision Texas Pollutant Discharge Elimination System General Permit TXG340000

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Issuing Office: Texas Commission on Environmental Quality  
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Date: October 1, 2021

Permit Action: Amendment with Renewal

## I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to reissue Texas Pollutant Discharge Elimination System (TPDES) General Permit TXG340000, issued October 10, 2017, which authorizes discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals.

## II. Executive Director's Recommendation

The executive director has made a preliminary decision that this permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the permit be reissued to expire five years from the effective date following the requirements of 30 Texas Administrative Code (TAC) §205.5(a).

## III. Permit Applicability and Coverage

- A. This general permit authorizes the discharge of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.
- B. The following discharges are not eligible for general permit coverage.
  1. Discharges prohibited by 30 TAC Chapter 311, *Watershed Protection*, or 30 TAC Chapter 213, *Edwards Aquifer*.
  2. Discharges into or adjacent to water in the state from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
  3. New sources or new discharges of constituents of concern to impaired waters unless otherwise allowable under 30 TAC Chapter 305, *Consolidated Permits*, and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed in the current version of

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the *Texas Integrated Report of Surface Water Quality* and in accordance with the Clean Water Act (CWA) §303(d) list. Constituents of concern are those causing a water body to be listed as impaired.

4. Discharges of the constituents of concern to impaired water bodies when there is a TCEQ approved total maximum daily load (TMDL) implementation plan unless the discharges are consistent with the approved TMDL and the implementation plan.
5. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all Texas Pollutant Discharge Elimination System (TPDES) permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.
6. Discharges from a facility that has a compliance history rating of “unsatisfactory performer” as defined in 30 TAC §60.3(a), *Use of Compliance History*, or has other compliance history issues that may indicate the permittee’s lack of ability to comply with the permit and commission rules.
7. Discharges to waters designated by the Texas Surface Water Quality Standards as Tier 3 (Outstanding Natural Resource Waters). As of the date of this general permit being proposed, TCEQ has not identified any Outstanding Natural Resource Waters.

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

1. Recycling of the wastewater with no resulting discharge into or adjacent to water in the state.
2. Pumping and hauling of the wastewater to an authorized disposal facility.
3. Discharge to a POTW.
4. Underground injection in accordance with 30 TAC Chapter 331, *Underground Injection Control*.
5. Discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the State.

**IV. Permit Conditions and Effluent Limitations**

A. Discharges of facility wastewater and contact stormwater are subject to whole effluent toxicity monitoring (24-hour acute) and the following effluent limitations:

**Table 1. Effluent Limitations**

Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Flow	Report MGD	Estimate	1/day

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Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons (1)	15 mg/L	Grab	1/week (2)(3)
Benzene	0.05 mg/L	Grab	1/week (2)(3)
BTEX, total (4)	0.5 mg/L	Grab	1/week (2)(3)
Lead, total	0.10 mg/L (6)	Grab	1/week (2)(3)(5)
Lead, total	0.02 mg/L (6)	Grab	1/week (2)(3)(5)
MTBE (7)	0.15 mg/L	Grab	1/week (2)(3)(8)
pH	6.0-9.0 Std. Units	Grab	1/week (2)(3)

- (1) Total petroleum hydrocarbons shall be analyzed using TCEQ Method 1005.
- (2) If compliance with the effluent limitation is demonstrated for a period of two consecutive years, the minimum monitoring frequency may be reduced to once per two weeks upon the permittee's submission of a certification of such compliance. This certification must be made in writing to the TCEQ's Industrial Permits Team (MC 148) and shall include the sworn statement in Part III, Section A.3. If a subsequent noncompliance occurs, the monitoring frequency must revert to once per week.
- (3) For a discharge consisting solely of contact stormwater, the sample must be collected within 60 minutes after discharge begins.
- (4) The sum of benzene, toluene, ethylbenzene, and xylenes.
- (5) The monitoring frequency for total lead will be once per year upon the permittee's certification in the NOI that none of the substances stored at the facility include refined petroleum products or petroleum fuels containing lead or lead additives. If refined petroleum products or petroleum fuels containing lead or lead additives are stored at a later date, the permittee must submit a notice of change to the executive director within 14 days of the change and the monitoring frequency will become once per week.
- (6) The daily maximum effluent limitation for total lead is 0.02 mg/L for discharges in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For discharges in all other counties in the state, the daily maximum limitation is 0.10 mg/L.

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- (7) Methyl tertiary-butyl ether (MTBE).
- (8) The monitoring frequency for MTBE will be once per year upon the permittee's certification in the NOI that none of the substances at the facility include refined products or petroleum fuels containing MTBE. If refined petroleum products or petroleum fuels containing MTBE are stored at the facility at a later date, the permittee must submit a notice of change to the executive director within 14 days of the change and the monitoring frequency for MTBE will become once per week.

B. All discharges are subject to the following effluent limitations:

**Table 2. Numeric Effluent Limitations for Hazardous Metals**

Parameter	Daily Maximum Limitation (mg/L)	Sample Type	Monitoring Frequency	Minimum Analytical Level (MAL) (1) (mg/L)
Arsenic, total	0.3	Grab	1/year	0.0005
Barium, total	4.0	Grab	1/year	0.003
Cadmium, total (inland waters)	0.2	Grab	1/year	0.001
Cadmium, total (tidal waters)	0.3	Grab	1/year	0.001
Chromium, total	2.0	Grab	1/year	0.003
Copper, total	2.0	Grab	1/year	0.002
Manganese, total	3.0	Grab	1/year	0.0005
Mercury, total	0.01	Grab	1/year	0.000005
Nickel, total	3.0	Grab	1/year	0.002
Selenium, total (inland waters)	0.2	Grab	1/year	0.005
Selenium, total (tidal waters)	0.3	Grab	1/year	0.005
Silver, total	0.2	Grab	1/year	0.0005
Zinc, total	6.0	Grab	1/year	0.005

(1) By establishing MALs, TCEQ is not requiring use of the corresponding analytical test method, nor is TCEQ requiring analytical results to be submitted where the laboratory test was run to achieve this MAL. For permitting and compliance purposes, MALs are used to allow the permittee to submit analytical results as



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nondetect. Nondetect analytical results are assumed to represent a concentration of zero (0) mg/L (or µg/L as appropriate).

**V. Changes From Existing General Permit**

- A. Clarified that impaired waters are listed as category 4 or 5 in the *Texas Integrated Report of Surface Water Quality*.
- B. Clarified that annual Discharge Monitoring Reports (DMRs) are required to be reported by March 31 of the following year. This requirement was included in the 2017 TXG340000 Fact Sheet but was not included in the permit language.
- C. Revised the electronic reporting waiver so that it only applies to application forms. DMRs will be required to be reported electronically. Currently this general permit only has 21 active authorizations. TCEQ has determined that it is not cost effective to develop electronic reporting tools for the small number of permittees currently authorized under this general permit. TCEQ will re-evaluate the continued need for this waiver during the next permit action.

**VI. Addresses**

Questions concerning this draft general permit should be sent to:

Industrial Permits Team  
Wastewater Permitting Section (MC-148)  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087  
(512) 239-4671

Comments regarding this draft general permit should be sent to:

Chief Clerk's Office (MC-105)  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

**VII. Supplementary information in this Fact Sheet is organized as follows:**

- VIII. Legal Basis
- IX. Regulatory Background
- X. Permit Coverage
- XI. Technology-Based Requirements
- XII. Water Quality-Based Requirements
- XIII. Monitoring
- XIV. Procedures for Final Decision
- XV. Administrative Record

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## **VIII. Legal Basis**

Texas Water Code (TWC) § 26.121 makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission. 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 TWC § 26.040, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System (TPDES). The TCEQ and the EPA have signed a Memorandum of Agreement which authorizes the administration of the National Pollutant Discharge Elimination System (NPDES) program to the TCEQ as it applies to the State of Texas.

CWA, §§ 301, 304, and 401; 33 United States Code (USC), §§1331, 1314, and 1341) include provisions which state that NPDES 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 USC, §1370.

Two types of technology-based effluent limitations must be included in the proposed general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand (BOD<sub>5</sub>), oil and grease, total suspended solids (TSS), and fecal coliform bacteria, CWA, § 301(b)(1)(E) requires effluent limitations based on “best conventional pollutant control technology” (BCT). With regard to nonconventional and toxic pollutants, CWA, § 301(b)(2)(A), (C), and (D) requires effluent limitations based on “best available 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).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA, §402(a)(1) requires that appropriate BCT and BAT effluent limitations be included in permitting actions on the basis of best professional judgment (BPJ).

## **IX. Regulatory Background**

The commission was given authority to issue general permits by HB 1542, passed during the 75<sup>th</sup> legislative session. Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76<sup>th</sup> legislative session. As a result of this authority and in accordance with a memorandum of agreement between the EPA and TCEQ relating directly to the TPDES permit program, the commission is seeking to reissue this general permit.

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**X. Permit Coverage**

This general permit authorizes the discharge of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

- A. All applicants seeking authorization to discharge under this general permit must submit a completed Notice of Intent (NOI) on a form approved by the executive director. Existing discharges authorized under the expiring general permit are required to submit a new NOI within 90 days of the general permit effective date to continue authorization. The NOI shall include at a minimum the legal name and address of the owner and operator, the facility name and address, specific description of the location of the discharge, type of facility or discharges, and the name of the receiving water.
- B. Submission of a NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharges and that the applicant agrees to comply with the conditions of the general permit. Provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. Following review of the NOI, the executive director will: a) determine that the NOI is complete and confirm coverage by providing a written notification and an authorization number; b) determine that the NOI is incomplete and request additional information needed to complete the NOI; or c) deny coverage in writing. Denial of coverage will be made in accordance with 30 TAC §205.4, *Applications and Notices of Intent*. If the TCEQ provides for electronic submission of NOIs during the term of this permit, and an NOI is submitted electronically, authorization begins immediately following confirmation of receipt of the electronic NOI.

Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) must provide a copy of the NOI to the operator of the MS4 at the same time the NOI is submitted to the TCEQ.

- C. For discharges located in or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must submit a copy of their NOI to the appropriate TCEQ regional office. Discharge may not commence for sites regulated under 30 TAC Chapter 213, *Edwards Aquifer*, until all applicable requirements of the Edwards Aquifer rules are met, including a TCEQ approved Edwards Aquifer Protection Plan, if applicable.
- D. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity is changing, then the present owner and operator must submit a notice of termination (NOT) and the future owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the change. Permittees discharging to an MS4 must submit a copy of the NOT and NOI to the MS4 at the same time the NOT and NOI are submitted to the TCEQ.

## **XI. Technology-Based Requirements**

The limitations and conditions of the draft general permit have been developed to comply with the technology-based standards of the CWA. There are currently no nationally applicable effluent limitation guidelines identifying the BPT, BCT, and BAT standards. Technology-based effluent limitations included in the general permit are based on BPJ.

The parameters selected for BCT/BAT limits are the primary pollutants of concern for discharges authorized in the general permit are benzene, BTEX (sum of benzene, toluene, ethylbenzene, and xylenes), pH, and total petroleum hydrocarbons. The BAT limitations for these parameters are: 0.05 mg/L benzene (as a daily maximum); 0.5 mg/L BTEX (as a daily maximum); between 6.0 and 9.0 standard units pH; and 15 mg/L total petroleum hydrocarbons (as a daily maximum). These effluent limitations are economically achievable and are established at levels existing in the current TPDES general permit. Treatment technologies which are currently available and applicable to treat wastewater generated from this industrial activity include (but are not limited to): oil/water separation, activated carbon adsorption, and biological wastewater treatment. Additionally, technology-based effluent limitations are included for arsenic, barium, cadmium, chromium, copper, manganese, mercury, nickel, selenium, silver, and zinc. Numeric effluent limitations for parameters were established according to 30 TAC Chapter 319, *General Regulations Incorporated Into Permits*, and are consistent with the effluent limitations in the current TPDES general permit.

TCEQ specifically considered BPJ technology-based effluent limitations for total suspended solids and oil and grease but determined that BPJ technology-based effluent limitations for total suspended solids and oil and grease are not needed and are not included in the draft general permit. Discharges authorized under this general permit include both facility wastewater (defined in the general permit as tank bottom water, tank condensates, loading rack wash water and similar water that has come into contact with the contents of bulk storage tanks) and stormwater. In relation to oil and grease, TCEQ contends that the technology based effluent limitations established for total petroleum hydrocarbons, BTEX, and benzene properly establish controls and are more appropriate effluent limitations to control the discharge of free product and other sources of organic chemicals than oil and grease which includes additional materials such as animal fats, etc. which are not a source of contamination from petroleum bulk stations and terminals. In relation to total suspended solids (TSS), the primary source of TSS would come from contact stormwater and stormwater associated with industrial activity. Stormwater discharges from petroleum bulk stations and terminals are authorized under TCEQ's statewide Industrial Stormwater Multi-Sector General Permit (TXR050000) and included under Sector P (Land Transportation and Warehousing) which is consistent with NPDES regulations which defines this sector at 40 CFR Section 122.26(b)14)(viii). Stormwater from this sector is limited to areas where vehicle maintenance and equipment cleaning activities occur. Stormwater is included in this general permit to provide a streamlined mechanism for petroleum bulk stations and terminals to obtain one general permit for discharges of facility wastewater and stormwater rather than having to obtain a separate general permit authorization just for stormwater discharges. TXR050000 does not establish effluent limitations or benchmark monitoring requirements for total suspended solids, thus this general permit is being established consistent with TXR050000 without TSS

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limitations. TCEQ contends that the SWP3 requirements established in the general permit properly control the discharge of TSS and limitations are not required.

The draft general permit includes requirements to develop and implement a stormwater pollution prevention plan (SWP3) to control discharges of stormwater associated with industrial activities. This requirement is limited to stormwater runoff from areas of the permitted facility where vehicle maintenance occurs, in accordance with NPDES stormwater regulations at 40 CFR Part 122.26 (b)(14)(viii), and as adopted by reference in 30 TAC Chapter 281, *Applications Processing*.

## **XII. Water Quality-Based Requirements**

The Texas Surface Water Quality Standards (TSWQS) codified at 30 TAC Chapter 307 state that “surface waters will not be toxic to man, or to terrestrial or aquatic life.” The methodology outlined in the *Procedures to Implement the TSWQS* is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to insure 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 water quality-based effluent limitations and/or conditions are included in the TPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity databases to determine the adequacy of technology-based permit limits and the need for additional water-quality based controls. After review by the TCEQ Standards Implementation Team, it was determined that the proposed technology-based effluent limits are protective of water quality.

In accordance with 30 TAC §307.5, *Antidegradation*, and the *Procedures to Implement the TSWQS*, an antidegradation review of the general permit was performed. It has been preliminarily determined that where permit requirements and stormwater pollution prevention plans are properly implemented, no significant degradation is expected and existing uses will be maintained and protected.

A daily maximum effluent limit of 0.10 mg/L for total lead has been developed based on the protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs, and will help ensure that chronic criteria will be protected. Human health criteria is reasonably protected by the proposed lead limit, since rapid dilution is expected for any discharges into waterbodies that are large enough to constitute a public drinking water supply or a sustainable fishery.

A separate daily maximum effluent limit for total lead has been developed for discharges into the Cypress, Sabine, and Neches River basins. The basis for this decision was that these basins contain water that is soft in comparison to others in the State of Texas and the limit of 0.10 mg/L would not be protective of the environment. The limit for discharges into the Cypress, Sabine, and Neches River basins has been set at 0.02 mg/L.

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For the protection of human health and to protect drinking water taste and odor the limitation for MTBE has been set at 0.15 mg/L. An EPA fact sheet dated December 1997 (EPA-822-F-97-009) recommends that MTBE levels be below the range of 0.02 -0.04 mg/L in order to protect consumer acceptance (taste and odor) of public drinking water sources. This range is about 20,000 to 100,000 times lower than the range of exposure levels in which cancer and non-cancer effects were observed; therefore, protecting water sources from unpleasant taste and odor will also protect consumers from potential health effects. However, the fact sheet also notes that some individuals may still detect MTBE below 0.02 mg/L. Studies indicate that MTBE can cause detectable taste and odor in water at concentrations greater than 0.015 mg/L. Because of this, it is recommended that MTBE levels be no greater than 0.015 mg/L at drinking water intakes. Given the fact that drinking water supplies constitute large water bodies which provide rapid dilution for small and intermittent discharges such as those which would be covered by this general permit, the existing MTBE limit of 0.15 mg/L is expected to meet water quality standards, including standards for drinking water sources.

Of the specific petroleum products of concern, the TSWQS contain a numeric limit for benzene to protect human health. The applicable instream criteria are 0.005 mg/L for public drinking water sources and 0.513 mg/L to protect fisheries. The draft permit includes an effluent limit of 0.05 mg/L for benzene which is expected to meet water quality standards when typical dilution assumptions are considered.

In order to achieve compliance with TSWQS, permittees must meet the following narrative water quality requirements:

- A. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- B. Concentration of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with reasonable uses of water in the state.

The TSWQS also require that discharges shall not be acutely toxic to aquatic life, as determined by requiring greater than 50% survival in 100% effluent using a 24-hour acute toxicity test. Although this requirement is typically only required for continuously flowing discharges or discharges with the potential to exert toxicity in the receiving stream, according to the state's implementation procedures, TCEQ specifically evaluated the discharges proposed to be authorized in this general permit for inclusion of oxygen demanding constituents/limitations (BOD, ammonia, and dissolved oxygen) or prohibiting discharges to exceptional aquatic life designated water bodies. Exceptional aquatic life uses for dissolved oxygen criteria are established in TCEQ rules at 30 TAC Section 307.7, Table 3 and include a 6.0/5.0 mg/L (freshwater/marine) minimum average over a 24-hour period. The draft general permit includes limitations for total petroleum hydrocarbons, BTEX, and benzene which are the constituents which would exert oxygen demand in the receiving waters for permitted discharges authorized in this general permit. The discharges authorized under this general permit are highly intermittent in nature and are typically stormwater driven and do not occur during receiving stream critical conditions when

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dissolved oxygen impacts are typically expected. TCEQ's experience in permitting these types of discharges through individual permits (an alternative to obtaining authorization under this general permit) have indicated no need to include limitations in individual TPDES permits for BOD, ammonia, or dissolved oxygen. Based on this evaluation, inclusion of effluent limitations for oxygen demanding constituents is not justified.

### **XIII. Monitoring**

Monitoring is required by 40 CFR §122.44(i) for each pollutant limited in a permit to ensure compliance with the permit limits. The proposed general permit has the following criteria for monitoring:

- A. Samples must be collected and measurements taken at times and in a manner that is representative of the monitored discharge.
- B. All samples must be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), the EPA's *Methods for Chemical Analysis of Water and Waste* (1979), or the EPA's *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).
- C. Sample containers, holding times, preservation methods, and the methods of analyses for effluent samples must meet the requirements in 40 CFR Part 136 (as amended).
- D. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
- E. The sampling point must be downstream of any treatment unit or treatment technique that is used to improve or otherwise alter the quality of the discharge.
- F. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, *Environmental Testing Laboratory Accreditation and Certification*.

Analytical results for determining compliance with effluent limitations must be submitted online using the NetDMR reporting system available through the TCEQ website. Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit. Analytical results must be submitted on a monthly or annual basis, depending on the required sampling frequency. The DMR for any given month shall be due by the 20<sup>th</sup> day of the following month. The DMR for annual tests shall be due by March 31 of the following year. DMRs must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.D.7 of the general permit.

### **XIV. Procedures for Final Decision**

The memorandum of agreement 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,

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*General Permits for Waste Discharges*, 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, 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 meeting on the proposed general permit to the executive director of the TCEQ before the end of the public comment period. A public meeting 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 meeting is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act.

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 days before the commission acts on the general permit.

## **XV. Administrative Record**

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

### **A. Permit**

TPDES General Permit No. TXR050000 effective August 14, 2021

TPDES General Permit No. TXG340000 effective October 24, 2017

### **B. Texas Water Code Chapter 26**

### **C. Clean Water Act**



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D. Code of Federal Regulations

40 CFR Parts 122, 124, 127, and 136

E. TCEQ Rules

30 TAC Chapters 25, 39, 205, 213, 281, 305, 307, 311, 319, and 331.

F. Communication

Interoffice memorandum dated October 1, 2021 from the Water Quality Standards Implementation Team.

G. Miscellaneous

1. *2020 Texas Integrated Report of Surface Water Quality*, TCEQ
2. *Procedures to Implement the Texas Surface Water Quality Standards (RG-194)*, TCEQ, June 2010.
3. *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation, 1971
4. *Methods for Chemical Analysis of Water and Wastes* - EPA, No. 600/4-79-020, 1983
5. *National Recommended Water Quality Criteria*, EPA-822-R-02-047, 2009

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF COMMISSION ACTION ON GENERAL PERMIT TX340000

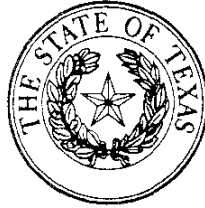
The Texas Commission on Environmental Quality (TCEQ) reissued Texas Pollutant Discharge Elimination System General Permit Number TXG340000 during its public meeting on August 10, 2022. This general permit authorizes discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals.

Texas Water Code, §26.040(d) and 30 Texas Administrative Code (TAC) Chapter §205.3(e) require the executive Director (ED) of the TCEQ to respond to all timely filed public comments. The ED must make these responses publicly available and must file them with the Office of Chief Clerk at least ten days before the commission considers whether to approve the general permit. Additionally, 30 TAC §205.3(e)(4) requires notice of the commission's action on the proposed general permit and the text of the response to comments to be published in the *Texas Register*.

No public comments were received on the draft permit. This notice satisfies the requirement to publish notice of the commission's action on the proposed general permit.

The issued permit is available at the TCEQ Central File Room and on the TCEQ website at: <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**A RESOLUTION** in the matter of a Renewal with Amendment of a Texas Pollutant Discharge Elimination System General Permit Authorizing Discharges from Petroleum Bulk Stations and Terminals; General Permit No. TXG340000; TCEQ Docket No. 2022-0187-MIS

**WHEREAS**, under Texas Water Code (TWC), § 26.121, no person may discharge waste or pollutants into or adjacent to any water in the state except as authorized by a rule, permit, or order issued by the Texas Commission on Environmental Quality (TCEQ or Commission);

**WHEREAS**, under TWC, § 26.027, the TCEQ has the authority to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state;

**WHEREAS**, under TWC, § 26.040, the TCEQ has the authority to issue a general permit to authorize the discharge of waste into or adjacent to water in the state;

**WHEREAS**, a renewal with amendments of a Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing discharges into or adjacent to water in the state from petroleum bulk stations and terminals, was drafted and proposed by the executive director and is attached as Exhibit A;

**WHEREAS**, the TCEQ received no public comments on the proposed general permit;

**WHEREAS**, the Commission reviewed in accordance with Texas Natural Resources Code, § 33.205 and 30 Texas Administrative Code (TAC) § 205.5(f) the changes to the general permit for consistency with the Texas Coastal Management Program (CMP) and found that the general permit is consistent with applicable CMP goals and policies and that the general permit will not adversely affect any applicable coastal natural resource areas as identified in the CMP;

**WHEREAS**, the Commission determined in accordance with TWC, §§ 26.040(a)(1) - (4) that the general permit would authorize dischargers who engage in the same or substantially similar types of operations, discharge the same types of waste, are subject to the same requirements regarding effluent limitations or operating conditions, and are subject to the same or similar monitoring requirements;

**WHEREAS**, the Commission finds in accordance with TWC, § 26.040(a)(5) that the general permit would apply to dischargers who are more appropriately regulated under a general permit than under individual permits and that:

(A) the general permit has been drafted to assure that it can be readily enforced and that the Commission can adequately monitor compliance with the terms of the general permit; and

(B) the category of discharges covered by the general permit will not include a discharge of pollutants that will cause significant adverse effects to water quality; and

**THEREFORE**, the Commission, by this resolution, hereby issues the general permit, attached as Exhibit A, as recommended by the Executive Director and as approved by the Commission during its August 10, 2022, public meeting.

Furthermore, the Commission directs staff to make any non-substantive changes to the general permit to satisfy *Texas Register* format requirements and requests that the general permit and Commission's Response to Public Comments be made available to the public in accordance with the requirements of TWC, § 26.040(d) and 30 TAC § 205.3(e).

It is so **RESOLVED**.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Jon Niermann, Chairman

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Date Signed