

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 29, 2023

VIA ELECTRONIC FILING

Ms. Laurie Gharis  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Post Office Box 13087, MC-105  
Austin, Texas 78711-3087

Re: Executive Director's Amended Backup Documents Filed for Consideration of adoption of an amendment with renewal of the General Permit TXG830000, Non-Rule Project No. 2023-032-OTH-NR; TCEQ Docket No. 2022-1591-MIS.

Dear Ms. Gharis:

Enclosed please find the amended agenda backup documents including the Adoption Memo and Fact Sheet. The amendment backup corrects typos in the original backup. If you have any questions or comments, please call me at 512-239-0622 or email me at [Aubrey.Pawelka@tceq.texas.gov](mailto:Aubrey.Pawelka@tceq.texas.gov).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Aubrey Pawelka".

Aubrey Pawelka, *Staff Attorney*  
Environmental Law Division

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** July 18, 2023

**Thru:** Laurie Gharis, Chief Clerk  
Kelly Keel, Interim Executive Director

**From:** Cari-Michel La Caille, Director  
Office of Water

**Docket No.:** 2022-1591-MIS

**Subject:** General Permit: Commission Approval for Adoption  
Renewal with Amendment of General Permit No. TXG830000  
Project Number: 2022-032-OTH-NR

### Summary and background:

This is a renewal with amendments of a Texas Pollutant Discharge Elimination System (TPDES) general permit (TXG830000) which authorizes discharges of water contaminated by petroleum substances into or adjacent to any water in the state. The renewal with amendments would replace the current permit when it expires on September 12, 2023.

### Basic requirements:

#### A. Applicability:

TPDES General Permit No. TXG830000 authorizes the discharge of water contaminated by petroleum substances into or adjacent to water in the state from:

- groundwater pump tests;
- groundwater, surface water, and soil remediation activities;
- cleanup activities following spills that occur during transportation of petroleum substances;
- testing spill buckets and sumps, that will be required by 30 Texas Administrative Code (TAC) §334.48(g);
- removal of water from underground and aboveground storage tank systems previously containing petroleum substances;
- removal of accumulated groundwater from excavation sites;
- removal of accumulated water from utility and pipeline vaults; and
- miscellaneous petroleum contaminated wastewaters (such as utility water overflows and blowdown).

#### B. Permit Requirements:

Unless specifically exempted from the notice requirements, all applicants seeking authorization to discharge under this general permit shall submit a completed Notice of Intent (NOI). Provisional coverage begins 48-hours after the NOI is postmarked for delivery to the Texas Commission on Environmental Quality (TCEQ or commission).

Wastewater is subject to numeric limitations for total petroleum hydrocarbons, total lead, benzene, BTEX (the sum of benzene, toluene, ethylbenzene, and total xylenes),

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polynuclear aromatic hydrocarbons, pH, and methyl tertiary-butyl ether which are continued from the existing permit.

**C. Fees:**

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

**Number of current/expected authorizations:**

There are currently 49 facilities authorized under this general permit. A significant number of additional NOIs are not expected.

**Proposed changes from the current permit:**

- A. Throughout the permit, the phrase "coverage" was replaced with "authorization" for clarity.
- B. Revision of the definition for Aboveground Storage Tank System for consistency with 30 TAC Chapter 213, *Edwards Aquifer*, where the term is specifically defined.
- C. Addition of miscellaneous petroleum contaminated wastewaters (such as utility water overflows and blowdown) to the list of discharges eligible for authorization under Part II, Section A. Additionally, the Part II, Section B.9 was added to clarify that discharges resulting from activities regulated under Title 40 of the Code of Federal Regulations (CFR), Chapter 1, Subchapter N are not authorized (including but not limited to 40 CFR Part 419, *Petroleum Refining Point Source Category*, or 40 CFR Part 435, *Oil and Gas Extraction Point Source Category*).
- D. Revision of Part II, Section B.3 to specify that discharges resulting from activities that are regulated by the Railroad Commission of Texas, including crude oil and natural gas facilities, are covered by this general permit. However, disposal of wastewater from these facilities adjacent to water in the state (i.e., land application, evaporation, or reuse) are not covered by this permit. This change is required for consistency with HB2771.
- E. Clarification that effluent limitations specified under Part III, Section A.1 apply when the permittee is discharging by converting the requirement from an asterisk (\*) to (2) for consistency with other requirements. Subsequent requirements have been renumbered.
- F. Revision of Part II, Section B.5 to specify home-rule municipality as established in 'Texas statute' instead of the specific rule to ensure flexibility to accommodate future rule and citation changes.
- G. Update to Part III, Section B.7 and Part III, Sections C.5 and D.8, to reference 30 TAC Chapter 330, *Municipal Solid Waste*, in lieu of Texas Health and Safety Code Chapter 361, *Solid Waste Disposal*.
- H. Removal of the option for FAX notification under Part III, Section B.9.a for consistency with 30 TAC § 305.125(9), *Standard Permit Conditions*.
- I. Revision of Part III, Section C.1 to clarify the requirements and frequency of hydrocarbon vapors testing by utilities.
- J. Revision of Part IV.7.f to clarify reporting and signature requirements for annual tests.
- K. Clarification that the term "non-PCB," under Part III, Section C.2.b means a detectable concentration less than 50 ppm polychlorinated biphenyls for

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consistency with Title 40 CFR Part 761, *Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution In Commerce, And Use Prohibitions*.

- L. Clarification under Part III, Section C.2.c, that the water shall either be collected and disposed of according to state law or the water shall be sampled, analyzed, and not exceed the concentration of 0.002 mg/L for PCB prior to discharge under this permit.

**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 5, 2022, the draft permit was sent to EPA for their review. On December 15, 2022, the TCEQ received a no objection letter without comments from the EPA.

**Public comment:**

The public comment period ended on May 8, 2023. 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*: April 7, 2023

Published notice in newspapers: March 31, 2023

Public comment period ended: May 8, 2023

Scheduled Commission Agenda Date: August 16, 2023

**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;
- 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

Aubrey Pawelka, Staff Attorney, Environmental Law Division, 512-239-0622

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

Attachments: Draft Permit, Fact Sheet, and Public Notice

cc: Chief Clerk, 7 copies

**FACT SHEET AND EXECUTIVE DIRECTOR'S FINAL DECISION  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT TXG830000**

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Issuing Office: Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711

Prepared by: Shannon Gibson  
Wastewater Permitting Section  
Water Quality Division  
(512) 239-4284

Date: August 16, 2023

Permit Action: Renewal with Amendment of General Permit TXG830000

**I. Summary**

The Texas Commission on Environmental Quality (TCEQ) is reissuing Texas Pollutant Discharge Elimination System (TPDES) General Permit TXG830000, issued September 7, 2018. The general permit authorizes discharges of water contaminated by petroleum substances from: groundwater pump tests; groundwater, surface water, and soil remediation activities; cleanup activities following spills that occur during transportation of petroleum substances; testing spill buckets and sumps, as required by 30 Texas Administrative Code (TAC) § 334.48(g); removal of water from underground and aboveground storage tank systems previously containing petroleum substances; removal of accumulated groundwater from excavation sites; and removal of accumulated water from utility and pipeline vaults. The draft permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

**II. Executive Director's Recommendation**

The executive director has made a final 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 TAC § 205.5(a).

**III. Permit Applicability and Authorization**

A. This general permit authorizes the discharge of water contaminated by petroleum substances into or adjacent to water in the state. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

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- B. The following discharges are not eligible for authorization under this general permit:
- (1) discharges prohibited by 30 TAC Chapter 213, *Edwards Aquifer* and 30 TAC Chapter 311, *Watershed Protection*;
  - (2) discharges adjacent to water in the state (i.e., land application, evaporation, or reuse) from activities that are regulated by the Railroad Commission of Texas, including crude oil and natural gas facilities. Discharges from these facilities into water in the state are authorized under this general permit.
  - (3) discharges into or adjacent to water in the state from activities regulated under Title 40 of the Code of Federal Regulations (CFR), Chapter 1, Subchapter N (including but not limited to 40 CFR Part 419, *Petroleum Refining Point Source Category*, or 40 CFR Part 435, *Oil and Gas Extraction Point Source Category*).
  - (4) discharges that do not meet surface water quality standards, cause a violation of water quality standards, cause or contribute to a water quality violation, or fail to protect and maintain existing designated uses;
  - (5) discharges of the pollutants to impaired water bodies when there is a TCEQ adopted total maximum daily load (TMDL) unless the discharges are consistent with the adopted TMDL. Parameters or water quality conditions are those causing a water body to be listed as impaired; and
  - (6) discharges that would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.
- C. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit nor an individual wastewater 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 publicly owned treatment works;
  - (4) underground injection in accordance with 30 TAC Chapter 331, *Underground Injection Control*; or
  - (5) discharge to aboveground storage tanks with no resulting discharge into or adjacent to water in the state.

**IV. Permit Effluent Limitations**

- A. Unless specifically exempted from the notice requirements under Part II, Section C.5 of the general permit, waters contaminated by petroleum substances

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discharged under the authority of this general permit shall meet the following effluent limitations:

Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons (1)	15 mg/L	Grab	One/week (2)(3)
Total Lead (4)	0.10 mg/L	Grab	One/week (2)(5)
Total Lead (4)	0.02 mg/L	Grab	One/week (2)(5)
Benzene	0.005 mg/L (6)	Grab	One/week (2)(3)
Total BTEX (7)	0.10 mg/L (6)	Grab	One/week (2)(3)
PAH (8)	0.01 mg/L	Grab	One/month (2)(9)
pH	6.0 - 9.0 Standard Units	Grab	One/week (2)
MTBE (10)	0.15 mg/L	Grab	One/week (2)(5)

- (1) Total petroleum hydrocarbons shall be analyzed using TCEQ Method 1005.
- (2) When discharging.
- (3) The permittee may request that the monitoring frequency be revised from once per week to once every two weeks if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (4) The daily maximum limitation for total lead is 0.02 milligram per liter (mg/L) for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For the other counties in the state, the daily maximum limitation is 0.10 mg/L.
- (5) If the permittee certifies in the notice of intent that none of the materials handled or stored at the site contain lead, lead additives, or methyl tertiary-butyl ether (MTBE), the monitoring frequency is once per year. If, at a later date, materials handled or stored at the site contain lead, lead additives, or MTBE, 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. The permittee may also request that the monitoring frequency be revised from once per week to once a month if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.



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- (6) If petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum limitation for benzene is 0.05 mg/L and the daily maximum limitation for total BTEX is 0.5 mg/L.
- (7) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
- (8) Polynuclear aromatic hydrocarbons (PAH) shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenz(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
- (9) The permittee may request that the monitoring frequency be revised from once per month to once every three months if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per month.
- (10) MTBE is methyl tertiary-butyl ether.

**V. Changes From Existing General Permit**

- Throughout the permit, the phrase "coverage" was replaced with "authorization" for clarity.
- Revision of the definition for Aboveground Storage Tank System for consistency with 30 TAC Chapter 213, *Edwards Aquifer*, where the term is specifically defined.
- Addition of miscellaneous petroleum contaminated wastewaters (such as utility water overflows and blowdown) to the list of discharges eligible for authorization under Part II, Section A. Additionally, the Part II, Section B.9 was added to clarify that discharges resulting from activities regulated under Title 40 of the Code of Federal Regulations (CFR), Chapter 1, Subchapter N are not authorized (including but not limited to 40 CFR Part 419, *Petroleum Refining Point Source Category*, or 40 CFR Part 435, *Oil and Gas Extraction Point Source Category*).
- Revision of Part II, Section B.3 to specify that discharges resulting from activities that are regulated by the Railroad Commission of Texas, including crude oil and natural gas facilities, are covered by this general permit. However, disposal of wastewater from these facilities adjacent to water in the state (i.e., land application or evaporation) are not covered by this permit. This change is required for consistency with HB2771, 86<sup>th</sup> Texas Legislative Session.
- Revision of Part III, Section B.5 to specify home-rule municipality as established in 'Texas statute' instead of the specific rule to ensure flexibility to accommodate future rule and citation changes.
- Update to Part II, Section B.7 and Part III, Sections C.5 and D.8, to reference 30 TAC Chapter 330, *Municipal Solid Waste*, in lieu of Texas Health and Safety Code Chapter 361, *Solid Waste Disposal*.

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- Removal of the option for FAX notification under Part III, Section B.9.a for consistency with 30 TAC § 305.125(9), *Standard Permit Conditions*.
- Clarification that effluent limitations specified under Part III, Section A.1 apply when the permittee is discharging by converting the requirement from an asterisk (\*) to (2) for consistency with other requirements. Subsequent requirements have been renumbered.
- Revision of Part III, Section C.1 to clarify the requirements and frequency of hydrocarbon vapors testing by utilities.
- Revision of Part IV.7.f to clarify reporting and signature requirements for annual tests.
- Clarification that the term “non-PCB,” under Part III, Section C.2.b means a detectable concentration less than 50 ppm polychlorinated biphenyls for consistency with Title 40 CFR Part 761, *Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution In Commerce, And Use Prohibitions*.
- Clarification under Part III, Section C.2.c, that the water shall either be collected and disposed of according to state law or the water shall be sampled, analyzed, and not exceed the concentration of 0.002 mg/L for PCB prior to discharge under this permit.
- Other non-substantive revisions and updates.

**VI. Addresses**

Comments on this proposed general permit should be sent to:

Office of the Chief Clerk (MC-105)  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087  
(512) 239-3300

Questions concerning this draft general permit should be directed to:

Shannon Gibson  
TCEQ  
Wastewater Permitting Section (MC-148)  
Water Quality Division  
P.O. Box 13087 Austin, TX 78711-3087  
(512) 239-4284

Supplementary information on this fact sheet is organized as follows:

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

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**VII. Legal Basis**

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 prior to amendment of the statute by House Bill (HB) 1542 in 1997, and to authorize waste discharges by the general permit. On September 14, 1998, the TCEQ received authority from the EPA through a Memorandum of Agreement between the two agencies to administer the National Pollutant Discharge Elimination System (NPDES) program in Texas as TPDES.

The Clean Water Act (CWA) §§ 301, 304, and 401 (33 United States Code (USC) §§ 1331, 1314, and 1341) include provisions that state that NPDES permits shall 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 are included in the proposed general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand, oil and grease, total suspended solids, 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 that 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).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards that apply to specific industrial categories and subcategories. 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). This general permit was previously issued on September 7, 2018.

**VIII. Regulatory Background**

The regulation of water contaminated by petroleum substances was initially through authorization by rule, 30 TAC Chapter 321, Subchapter H, *Discharge to Surface Waters from Treatment of Petroleum Substance Contaminated Waters* (repealed October 11, 2007). This rule was originally adopted with an effective date of May 9, 1989. The commission was given authority to issue general permits by HB 1542, passed during the 75th legislative session in 1997. Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76th legislative session in 1999. 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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**IX. Permit Authorization**

The purpose of the general permit is to regulate the discharge of water contaminated by petroleum substances into or adjacent to water in the state. To obtain authorization to discharge under this general permit, an applicant will need to use the following guidelines.

- A. Unless specifically exempted from the notice requirements under Part II, Section C.5 of the general permit, all applicants seeking authorization to discharge under this general permit shall submit a completed 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 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 the general permit. Unless the discharge is located within ten stream miles upstream of the Edwards Aquifer recharge zone, provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ (see Part II, Section C.5 of the general permit). The NOI shall be submitted to the address indicated on the NOI form. 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, *Authorizations and Notices of Intent* and TWC, § 26.040(h). 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.
- C. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) shall provide a copy of the NOI to the operator of the system at the same time an NOI is submitted to the TCEQ.
- D. For discharges located in or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall 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.
- E. An NOI is not required if:
  - (1) The discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C of the general permit. The executive director considered the following in making this determination as required by 40 CFR §122.28(b)(2)(v):

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- (a) Type of discharge: The discharge would be the result of accumulated water within a utility vault.
  - (b) Expected nature of the discharge: The water discharged from a utility vault would primarily be rainfall runoff. Without the submission of an NOI, the permit would not allow a discharge to surface waters from a utility vault that contains hydrocarbon vapors or shows evidence of leaking oil-filled equipment. Also, the discharge shall not contain free product, be considered "non-PCB" (i.e., <50 parts per million polychlorinated biphenyls (PCBs)) or have a PCB level not to exceed 0.002 mg/L PCB, and shall not contain a concentration of taste or odor producing substances that interfere with the production of potable water or interfere with the reasonable use of water in the state.
  - (c) Expected volume of the discharge: On a daily basis, the volume is expected to be negligible to nonexistent. During rainfall events the volume is dependent on the amount of rainfall.
  - (d) Other means of identifying discharges covered by this general permit: Each utility company can provide this information upon request.
  - (e) Estimated number of discharges to be covered by the permit: Based on information provided by the Association of Electric Companies of Texas there are thousands of utility vaults in the state that are eligible for discharge under this general permit.
- (2) All free product is removed and disposed of in compliance with state law, and the remaining contaminated water is routed to an existing TPDES permitted wastewater treatment system, disposed of under authorization of a Texas Land Application Permit, underground injection in accordance with 30 TAC Chapter 331, or other approved disposal method.
- (3) The petroleum substance contaminated water is land applied in accordance with the requirements in Part III, Section D of the permit.
- F. 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 shall submit a Notice of Termination (NOT) and the future owner and operator shall submit an NOI. The NOT and NOI shall be submitted no later than 10 days before the change. Permittees discharging to an MS4 shall submit a copy of the NOT and NOI to the MS4 at the same time the NOT and NOI are submitted to the TCEQ.
- G. 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 or 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 a MS4 shall submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

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**X. Technology-Based Requirements**

The limitations and conditions of the proposed 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. The limitations for these parameters are: 15 mg/L total petroleum hydrocarbons, 0.10 mg/L BTEX, 0.01 mg/L PAH, and between 6.0 to 9.0 standard units pH. These effluent limitations are economically achievable and are established at levels existing in the current TPDES General Permit TXG830000.

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. 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.

**XI. Water Quality-Based Requirements**

The Texas Surface Water Quality Standards (TSWQS) codified at 30 TAC Chapter 307 state that "surface waters must 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 ensure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional 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 data bases 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. Water quality based effluent limits for total lead, benzene, and MTBE are continued from the existing permit.

The daily maximum effluent limit of 0.10 mg/L for total lead was developed based on the protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs. These limits will help ensure that chronic criteria will be protected. Human health criteria are protected by the 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.

The daily maximum effluent limit of 0.02 mg/L for total lead was developed for discharges into the Cypress, Sabine, and Neches river basins. The basis for this

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decision was that these river basins are characterized by soft water (lower pH) in comparison to other regions in the State of Texas and the limit of 0.10 mg/L would not be protective of water quality standards.

For the protection of human health and to protect drinking water taste and odor the limitation for MTBE is 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 0.020-0.040 mg/L in order to protect consumer acceptance (taste and odor) of public drinking water supply. This range is about 20,000 to 100,000 times lower than the range of exposure levels in which cancer and noncancer 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 0.020 mg/L. Studies indicate that MTBE can cause detectable taste and odor in water at concentrations greater than 0.015 mg/L. The effluent limitation for MTBE is 0.15 mg/L in the draft general permit. This effluent limit 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 0.581 mg/L for the protection of fish consumption. The general permit specifies an effluent limit of 0.005 mg/L for benzene. This effluent limit is expected to meet water quality standards, including standards for drinking water sources.

The BTEX effluent limit of 0.1 mg/L remains protective of all BTEX constituents except for benzene when: (1) typical dilutions are assumed near the point of discharge for lakes and estuaries; (2) discharges are not large; or (3) discharges are not continuous. The numeric effluent limit for benzene is less than the maximum contaminant level (MCL) for this pollutant and is also equal to the human health water quality standard for public drinking water supplies.

The toxicity of BTEX is extremely variable and depends on the relative concentration of each constituent. Criteria which have been derived for individual BTEX constituents are as follows (table in mg/L):

<b>Chemical</b>	<b>Water and Fish</b>	<b>Fish Only</b>	<b>Freshwater Aquatic Life Chronic</b>	<b>Saltwater Aquatic Life Chronic</b>
Benzene	0.005 †	0.581 †	0.530 #	0.510 #
Ethylbenzene	0.700 †	1.867 †	1.090 §	0.249 §
Toluene	1.000 †	20.026 †	1.450 §	0.475 §
Xylene	10.000 ††	No HH data	1.340 §	0.850 §

† 30 TAC Chapter 307, Table 2.

§ Derived by TCEQ staff from available data, in accordance with procedures in the TSWQS, 30 TAC § 307.6(c)(7) and (d)(8).

# Calculated using an acute-to-chronic ratio of 10.

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- ¶ Derived from EPA, National Recommended Water Quality Criteria: 2002, EPA-822-R-02-047, November 2002; in accordance with procedures in the TSWQS, 30 TAC § 307.6(d)(8).
- †† MCL specified in 30 TAC Chapter 290, *Public Drinking Water*.

In order to achieve compliance with the TSWQS, permittees shall 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 the reasonable use of the 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. This requirement, however, 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.

The discharges authorized under this general permit are not typically continuous flowing discharges and the limitations for pollutants of concern in the permit should preclude toxicity instream. The concentrations (LC 50) of these pollutants that exhibit 50% mortality are less protective than the concentrations in the permit. Toxicity data compiled by the Water Quality Assessment Team shows LC 50's for sensitive freshwater species as 5.3 mg/L for benzene, 17 mg/L for toluene, 12.1 mg/L for ethylbenzene, and 3.8 mg/L for xylene. The LC 50's for marine species are 4.3 mg/L for toluene and 87.6 mg/L for ethylbenzene. Therefore, the limits in the draft permit of 0.005 mg/L for benzene, and 0.1 mg/L for BTEX should preclude toxicity instream, so the 24-hour toxicity tests are not required by the general permit.

## **XII. 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 establishes 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.



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- 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*.
- G. Analytical results for determining compliance with effluent limitations must be recorded on a DMR (EPA No. 3320-1), a TCEQ-approved self-generated form, or online using the NetDMR reporting system. Effluent sampling must 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 monitoring frequency, to the TCEQ Enforcement Division (MC 224) or online using the NetDMR reporting system. The DMR for any given month is due by the 20th day of the following month. The DMR for annual tests shall be due by March 31<sup>st</sup> 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.B.9 of the general permit.

**XIII. 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, *General Permits for Waste Discharges*, when the draft general permit is proposed, notice shall 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 shall 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, *Mailing Lists*; and
- D. any other person the executive director or chief clerk may elect to include.

After notice of the general permit is published in the *Texas Register* and the newspaper(s), the public will have 30 days to provide public comment on the proposed permit.

Any person, agency, or association may request a public meeting on the proposed general permit to the executive director 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 or if requested by a member of the legislature. A public

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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 30 TAC § 39.411(d). 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.

**XIV. Administrative Record**

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

A. EPA Rules

40 CFR Parts 122, 124, 127, 136, 419, 435, and 761

B. TCEQ Rules

30 TAC Chapters 39, 205, 281, 305, 307, 309, 319, 321, 331, and 335

C. Letters/Memoranda/Records of Communication

Interoffice Memorandum from the Water Quality Standards Implementation Team dated August 16, 2022.

D. TPDES General Permit TXG830000 issued September 7, 2018

E. Publications

- *2022 Texas Integrated Report of Surface Water Quality*, TCEQ
- *Procedures to Implement the Texas Surface Water Quality Standards*, (RG-194) TCEQ, July 2010
- *National Recommended Water Quality Criteria*, EPA-822-R-02-047, 2009

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

**AGENDA REQUESTED:** September 6, 2023

**DATE OF REQUEST:** August 18, 2023

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

**CAPTION: Docket No. 2022-1591-MIS.** Consideration of the adoption of an amendment with renewal of the General Permit TXG830000 which authorizes discharges of water contaminated by petroleum substances into or adjacent to any water in the state. Public notice of the proposed general permit was published in the April 7, 2023, issue of the *Texas Register* (48 TexReg 1876). (Shannon Gibson, Aubrey Pawelka) (Non-Rule Project No. 2023-032-OTH-NR)

*Cari-Michel La Caille*

\_\_\_\_\_  
**Director**

Robert Sadlier

\_\_\_\_\_  
**Division Deputy Director**

*Gwen Ricco*

\_\_\_\_\_  
**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** August 18, 2023

**Thru:** Laurie Gharis, Chief Clerk  
Kelly Keel, Interim Executive Director

**From:** *CML* Cari-Michel La Caille, Director  
Office of Water

**Docket No.:** 2022-1591-MIS

**Subject:** General Permit: Commission Approval for Adoption  
Renewal with Amendment of General Permit No. TXG830000  
Project Number: 2022-032-OTH-NR

### Summary and background:

This is a renewal with amendments of a Texas Pollutant Discharge Elimination System (TPDES) general permit (TXG830000) which authorizes discharges of water contaminated by petroleum substances into or adjacent to any water in the state. The renewal with amendments would replace the current permit when it expires on September 12, 2023.

### Basic requirements:

#### A. Applicability:

TPDES General Permit No. TXG830000 authorizes the discharge of water contaminated by petroleum substances into or adjacent to water in the state from:

- groundwater pump tests;
- groundwater, surface water, and soil remediation activities;
- cleanup activities following spills that occur during transportation of petroleum substances;
- testing spill buckets and sumps, that will be required by 30 Texas Administrative Code (TAC) §334.48(g);
- removal of water from underground and aboveground storage tank systems previously containing petroleum substances;
- removal of accumulated groundwater from excavation sites;
- removal of accumulated water from utility and pipeline vaults; and
- miscellaneous petroleum contaminated wastewaters (such as utility water overflows and blowdown).

#### B. Permit Requirements:

Unless specifically exempted from the notice requirements, all applicants seeking authorization to discharge under this general permit shall submit a completed Notice of Intent (NOI). Provisional coverage begins 48-hours after the NOI is postmarked for delivery to the Texas Commission on Environmental Quality (TCEQ or commission).

Wastewater is subject to numeric limitations for total petroleum hydrocarbons, total lead, benzene, BTEX (the sum of benzene, toluene, ethylbenzene, and total xylenes),

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polynuclear aromatic hydrocarbons, pH, and methyl tertiary-butyl ether which are continued from the existing permit.

**C. Fees:**

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

**Number of current/expected authorizations:**

There are currently 49 facilities authorized under this general permit. A significant number of additional NOIs are not expected.

**Proposed changes from the current permit:**

- A. Throughout the permit, the phrase "coverage" was replaced with "authorization" for clarity.
- B. Revision of the definition for Aboveground Storage Tank System for consistency with 30 TAC Chapter 213, *Edwards Aquifer*, where the term is specifically defined.
- C. Addition of miscellaneous petroleum contaminated wastewaters (such as utility water overflows and blowdown) to the list of discharges eligible for authorization under Part II, Section A. Additionally, the Part II, Section B.9 was added to clarify that discharges resulting from activities regulated under Title 40 of the Code of Federal Regulations (CFR), Chapter 1, Subchapter N are not authorized (including but not limited to 40 CFR Part 419, *Petroleum Refining Point Source Category*, or 40 CFR Part 435, *Oil and Gas Extraction Point Source Category*).
- D. Revision of Part II, Section B.3 to specify that discharges resulting from activities that are regulated by the Railroad Commission of Texas, including crude oil and natural gas facilities, are covered by this general permit. However, disposal of wastewater from these facilities adjacent to water in the state (i.e., land application, evaporation, or reuse) are not covered by this permit. This change is required for consistency with HB2771.
- E. Clarification that effluent limitations specified under Part III, Section A.1 apply when the permittee is discharging by converting the requirement from an asterisk (\*) to (2) for consistency with other requirements. Subsequent requirements have been renumbered.
- F. Revision of Part II, Section B.5 to specify home-rule municipality as established in 'Texas statute' instead of the specific rule to ensure flexibility to accommodate future rule and citation changes.
- G. Update to Part II, Section B.7 and Part III, Sections C.5 and D.8, to reference 30 TAC Chapter 330, *Municipal Solid Waste*, in lieu of Texas Health and Safety Code Chapter 361, *Solid Waste Disposal*.
- H. Removal of the option for FAX notification under Part III, Section B.9.a for consistency with 30 TAC § 305.125(9), *Standard Permit Conditions*.
- I. Revision of Part III, Section C.1 to clarify the requirements and frequency of hydrocarbon vapors testing by utilities.
- J. Revision of Part IV.7.f to clarify reporting and signature requirements for annual tests.
- K. Clarification that the term "non-PCB," under Part III, Section C.2.b means a detectable concentration less than 50 ppm polychlorinated biphenyls for

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consistency with Title 40 CFR Part 761, *Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution In Commerce, And Use Prohibitions*.

- L. Clarification that the water shall either be collected and disposed of according to state law or the water shall be sampled, analyzed, and not exceed the concentration of 0.002 mg/L for PCB prior to discharge under this permit.

**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 5, 2022, the draft permit was sent to EPA for their review. On December 15, 2022, the TCEQ received a no objection letter without comments from the EPA.

**Public comment:**

The public comment period ended on May 8, 2023. 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*: April 7, 2023

Published notice in newspapers: March 31, 2023

Public comment period ended: May 8, 2023

Scheduled Commission Agenda Date: September 6, 2023

**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;
- 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

Aubrey Pawelka, Staff Attorney, Environmental Law Division, 512-239-0622

Gwen Ricco, Texas Register Coordinator, General Law Division, 512-239-2678

Commissioners  
Page 4  
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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. TXG830000, issued on September 7, 2018.

Waters contaminated by petroleum substances, located in the State of Texas, may be discharged into or adjacent to water in the state, including exceptional, high, intermediate, limited, or 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 September 12, 2028.

EFFECTIVE DATE: September 12, 2023

ISSUED DATE:

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For the Commission



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## Part I. Definitions

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

**Aboveground storage tank system** - As defined in 30 Texas Administrative Code (TAC) § 213.3, *Edwards Aquifer, Definitions (3)*, a non-vehicular device (including any associated piping) that is made of nonearthen materials; located on or above the ground surface, or on or above the surface of the floor of a structure below ground, such as a mineworking, basement, or vault; and designed to contain an accumulation of static hydrocarbons or hazardous substances.

**Daily maximum limitations** - The maximum concentration 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 TAC § 213.3, *Edwards Aquifer, Definitions (8)*, 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** - As defined in 30 TAC § 213.3, *Edwards Aquifer, Definitions (27)* 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** - All contiguous land and fixtures, structures, or appurtenances used for storing, processing, treating, discharging, or disposing of wastewater.

**Free product** - A petroleum substance in its free-flowing, non-aqueous liquid phase at standard conditions of temperature and pressure (i.e., that portion of the product not dissolved in water or adhering to soil).

**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 particular 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.

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

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

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

**Motor fuel** - A petroleum substance which is typically used to operate internal combustion engines (including stationary engines and engines used in motor vehicles, aircraft, or marine vessels), and which is one of the following types of fuels: motor gasoline, aviation gasoline, Number 1 diesel fuel, Number 2 diesel fuel, biodiesel blended with Number 1 or Number 2 diesel, gasohol, or other alcohol-blended fuels.

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

- (i) owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district, drainage district, a similar entity, an Indian tribe, an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA);
- (ii) designed or used for collecting or conveying storm water;
- (iii) which is not a combined sewer; 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 (NOC)** - A written submission to the executive director from a permittee authorized under a general permit, providing information on changes to information previously provided to the commission, or any changes with respect to the nature or operations of the regulated entity or the characteristics of the discharge.

**Notice of intent (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 (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** - The person responsible for the overall operation of a facility.

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

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

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

Basic petroleum substances - Crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions.

Motor fuels - See definition of "motor fuel" in this section.

Aviation gasoline - Grade 80, Grade 100, and Grade 100-LL.

Aviation jet fuels - Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8.

Distillate fuel oils - No. 1-D, No. 1, No. 2-D, and No. 2.

Residual fuel oils - No. 4-D, No. 4-light, No. 4, No. 5-light, No. 5-heavy, and No. 6.

Gas-turbine fuel oils - Grade O-GT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT.

Illuminating oils - Kerosene, mineral seal oil, long-time burning oils, 300 oil, and mineral colza oil.

Solvents - Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers' and painters' naphtha, petroleum extender oils, and commercial hexane.

Lubricants - Automotive and industrial lubricants.

Building materials - Liquid asphalt and dust-laying oils.

Insulating and waterproofing materials - Transformer oils and cable oils.

Used oils - See definition of "used oil" in this section.

Any other petroleum-based material that has physical and chemical properties similar to the above materials and receiving approval by the executive director for designation as a petroleum substance.

Examples of materials which are not petroleum substances include: aldehydes and ketones (e.g., acetone, methyl ethyl ketone); halogenated solvents (e.g., carbon tetrachloride, trichloroethylene), alcohols (e.g., methanol), phenols, nitrogen-containing compounds and oils containing polychlorinated biphenyl (PCB) compounds.

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

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

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

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

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

**Treatment facility** - Wastewater facilities used in conveyance, storage, treatment, recycling, reclamation, or disposal of domestic sewage, industrial wastes, agriculture wastes, recreational wastes, or other wastes, including sludge handling or disposal facilities under the jurisdiction of the commission.

**Underground storage tank system** - An underground storage tank, as defined in 30 TAC § 334.2, *Underground and Aboveground Storage Tanks, Definitions*, and all associated piping and ancillary equipment, spill and overflow prevention equipment, release detection equipment, corrosion protection system, secondary containment equipment (as applicable), and all other related systems and equipment.

**Used oil** - Any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated by physical or chemical impurities; including spent motor vehicle and aircraft lubricating oils (e.g., car and truck engine oil, transmission fluid, and brake fluid), spent industrial oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear, electrical, and refrigerator oils), and spent industrial process oils.

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

**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 Authorization**

### **Section A. Discharges Eligible for Authorization**

This general permit authorizes the discharge of water contaminated by petroleum substances into or adjacent to water in the state resulting from:

1. Groundwater pump tests;
2. Groundwater, surface water, and soil remediation activities;
3. Cleanup activities following spills that occur during transportation of petroleum substances;
4. Testing spill buckets and sumps, as required by 30 TAC § 334.48(g);
5. Removal of water from underground and aboveground storage tank systems previously containing petroleum substances;
6. Removal of accumulated groundwater from excavation sites;
7. Removal of accumulated water from utility and pipeline vaults; and
8. Miscellaneous petroleum-contaminated wastewaters (such as utility water overflows and blowdown).

### **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 shall not be authorized 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 authorize land application, evaporation, or reuse of wastewaters from activities that are regulated by the Railroad Commission of

Texas, including crude oil and natural gas facilities. Discharges from these facilities into water in the state are authorized under this general permit.

4. 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 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*.
5. This general permit does not limit the authority of a home-rule municipality as established in Texas statute.
6. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305, *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 for CWA Sections 305(b) and 303(d)*. Parameters or water quality conditions are the pollutants for which the waterbody is listed as impaired.
7. Discharges of pollutants to impaired water bodies when there is a TCEQ adopted and EPA approved Total Maximum Daily Load (TMDL) are not eligible for this permit unless they are consistent with the approved TMDL. 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 authorization under this permit, the discharger shall apply for and receive an individual permit or other applicable general permit prior to discharging.
8. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species be achieved.
9. This general permit does not authorize discharges into or adjacent to water in the state from activities that are regulated under 40 CFR, Chapter 1, Subchapter N (including but not limited to 40 CFR Part 419, *Petroleum Refining Point Source Category*, or 40 CFR Part 435, *Oil and Gas Extraction Point Source Category*).

### Section C. Obtaining Authorization

1. Unless specifically exempted from the notice requirements under Part II, Section C.5, 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 shall include at a minimum the legal name and address of the owner and operator, the facility name and address, a specific description of the location and 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. Existing permittees authorized under the previous general permit that fail to submit a new NOI by the 90-day deadline will result in expiration of their administratively continued authorization under the previous general permit.
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 to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. The NOI shall be submitted to the address indicated on the NOI form. If TCEQ provides for electronic submittal of NOIs during the term of this general permit, provisional authorization begins 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 authorization 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 authorization in writing. Denial of authorization will be made in accordance with 30 TAC § 205.4, *Authorizations 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 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 Aquifer 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 Section 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. An NOI is not required if:
  - a. the discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C of this permit;
  - b. all free product is removed and disposed of following state law, and the remaining contaminated water is routed to an existing TPDES-permitted wastewater treatment system or disposed of through authorization under a Texas Land Application Permit (TLAP), underground injection in accordance with 30 TAC Chapter 331, *Underground Injection Control*, or another approved disposal method; or
  - c. the petroleum substance-contaminated water is land-applied in accordance with the requirements of Part III, Section D of this permit.
6. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner and operator shall submit a Notice of Termination (NOT) and the new owner and operator shall submit an NOI. The NOT and NOI shall be submitted not later than 10 days prior to the change in owner or operator status. Any change in a permittee's charter number (also known as a filing 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 authorization 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.
7. 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 (e.g., permittee address, phone number, outfall information, DMR contact, or billing contact) changes, 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 Authorization**

A permittee shall terminate authorization under this general permit through the submittal of an NOT, on a form approved by the executive director upon any of the following: 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 an NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately following confirmation of the receipt of the NOT by the TCEQ.

Compliance with the conditions and requirements of this permit are required until an 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 an 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 authorization 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 and the current individual permit only contains numeric effluent limitations included in the general permit, unless the discharges that resulted in the more stringent or additional limitations have ceased and any contamination that resulted in these limitations has been removed or remediated;
  - c. the executive director has not determined that continued authorization 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 facilities authorized under a TPDES individual permit, or under a different TPDES general permit, may be authorized under this general permit if the following conditions are met:
  - a. the proposed discharges meet the applicability and eligibility requirements for authorization 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 limitations in this general permit and the current individual permit only contains numeric effluent limitations included in the general permit, unless the discharges that resulted in the more stringent or additional limitations have ceased and any contamination that resulted in these limitations has been removed or remediated;
  - c. the executive director has not determined that authorization 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 renew this general permit before the expiration date, the general permit shall remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC Chapter 205. The general permit shall remain in effect for these dischargers until the commission takes final action on the proposed permit renewal. No new NOIs will be accepted or no new authorizations honored for authorization under the general permit after the expiration date.
3. Upon issuance of a renewed or amended general permit, all facilities, including those covered under the expired general permit, will be required to submit an NOI

according to the requirements of the new general permit or obtain authorization 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 shall submit an application for an individual or alternative general permit before the expiration date. If the application for an individual or alternative general permit is submitted before the general permit expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit or authorization under an alternative general permit.

### Part III. Permit Requirements

#### Section A. Effluent Limitations

1. Unless specifically exempted from the NOI, under Part II, Section C.5, waters contaminated by petroleum substances discharged under the authority of this general permit shall meet the following effluent limitations.

Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons (1)	15 mg/L	Grab	One/week (2)(3)
Total Lead (4)	0.10 mg/L	Grab	One/week (2)(5)
Total Lead (4)	0.02 mg/L	Grab	One/week (2)(5)
Benzene	0.005 mg/L (6)	Grab	One/week (2)(3)
Total BTEX (7)	0.10 mg/L (6)	Grab	One/week (2)(3)
PAH (8)	0.01 mg/L	Grab	One/month (2)(9)
pH	6.0 - 9.0 Standard Units	Grab	One/week (2)
MTBE (10)	0.15 mg/L	Grab	One/week (2)(5)

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

Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For the other counties in the state, the daily maximum limitation is 0.10 mg/L.

- (5) If the permittee certifies in the NOI that none of the materials handled or stored at the site contain lead, lead additives, or MTBE, the monitoring frequency is once per year. If, at a later date, materials handled or stored at the site contain lead, lead additives, or MTBE, 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. The permittee may also request that the monitoring frequency be revised from once per week to once per month, if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3 of this permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
  - (6) If petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum limitation for benzene is 0.05 mg/L and the daily maximum limitation for BTEX is 0.5 mg/L.
  - (7) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
  - (8) Polynuclear aromatic hydrocarbons (PAH) shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenz(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
  - (9) The permittee may request that the monitoring frequency be revised from once per month to once every three months, if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3 of this permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per month.
  - (10) MTBE is methyl tertiary-butyl ether.
2. The discharge of wastewater shall cease within 24 hours after the permittee learns that any listed individual PAH has been detected at a concentration of 0.01 mg/L or greater. Following the requirements of Part III, Section B.9 of this permit, a written report shall be submitted to the TCEQ's Enforcement Division (MC-224), to the appropriate regional office, and the TCEQ's Industrial Wastewater Permits Team

(MC-148), within five working days. The discharge may not be resumed without written authorization from the TCEQ's Industrial Wastewater Permits Team.

Accompanying the report required by Part III, Section B.9 of this permit to the Industrial Wastewater Permits Team, the permittee shall provide the analytical data for each individual chemical which comprises the PAH suite of pollutants that resulted in the PAH effluent limitation excursion. Additionally, further analytical testing for PAH shall be conducted on effluent which has been generated and not discharged to demonstrate compliance with the PAH limitation. That data shall accompany the request from the permittee to re-initiate discharge.

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, PAH, 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 six consecutive months for the parameters that I am requesting to monitor for at a reduced frequency. This document, and all attachments, were prepared under my direction or supervision according to a system designed to assure that qualified people properly gather and evaluate the information submitted. Based on my review of the documents, an inquiry of the person or persons who manage the system, or an inquiry of the people directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

## **Section B. General Requirements**

1. There shall be no discharge of floating solids or visible oil. The discharge shall not exhibit foaming of a persistent nature as required by 30 TAC § 307.4(b)(6), *Aesthetic Parameters*.
2. The discharge shall be to a splash pad, paved area, or other alternative surface, to prevent erosion. The rate of discharge shall be controlled through best management practices to prevent flooding and erosion.
3. 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.
4. The discharge shall be a minimum distance of 100 feet from private water wells and 500 feet from a public water supply well. Discharges shall be conducted so there is no danger of pollution to private or public water wells.
5. 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.

6. Unless specifically exempted from the NOI under Part II, Section C.5, the permittee shall notify the appropriate regional office at least 48 hours before initiating the discharge.
7. 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 30 TAC Chapter 330, *Municipal Solid Waste*.
8. The disposal of waste and wastewater shall be done in such a manner as to prevent nuisance conditions.
9. The permittee shall provide the following noncompliance notifications:
  - a. According to 30 TAC § 305.125(9), *Standard Permit Conditions*, any noncompliance that may endanger human health or safety, or the environment, shall be reported by the permittee to the TCEQ. The information shall be provided orally to the appropriate TCEQ regional office within 24 hours of the permittee becoming aware of the noncompliance. A written report shall 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 shall 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 which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance.
  - c. Any noncompliance other than that specified in paragraphs (a) and (b) above, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved DMR form.
10. Air emissions for any regulated entity shall comply with either 30 TAC § 106.533, *Water and Soil Remediation* or 30 TAC Chapter 116, *Control of Air Pollution by Permits for New Construction or Modification*, as appropriate.

**Section C. Discharges from Utility and Pipeline Vaults**

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

**1. Hydrocarbon Vapors Testing**

- a. Except for utility vaults designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design:
  - (1) The utility shall test each discharge for hydrocarbon vapors using a standard explosimeter test. If the utility does not detect the presence of hydrocarbons, as indicated by the initial test, the following requirements of this provision do not apply.
  - (2) If the utility detects the presence of hydrocarbon vapors, as indicated by the initial test, the utility shall air purge the vault. Following this initial air purging, but before discharging the contents of the vault, the utility shall again perform a standard explosimeter test. If the second test does not reveal hydrocarbon vapors, the following requirements of this provision do not apply.
  - (3) If both tests reveal hydrocarbon vapors, the utility shall take a sample of the water and have a laboratory analysis performed to determine the concentrations of benzene and BTEX. If analyses indicate that the concentration of benzene is less than 0.005 mg/L, and that the concentration of BTEX is less than 0.10 mg/L, the following components of this provision are not required.
  - (4) If the concentration of benzene is greater than 0.005 mg/L, or the concentration of BTEX is greater than 0.10 mg/L, the utility shall:
    - (a) submit a NOI for authorization to discharge under this general permit and land apply the water under the conditions of Part III, Section D of this permit;
    - (b) apply for an individual permit; or
    - (c) dispose of the water through an existing TPDES-permitted wastewater treatment system.
- b. Utility vaults that are designed to automatically discharge accumulated water through the use of submersible pumps or by gravity flow design:
  - (1) Shall be examined for evidence of petroleum contamination on a schedule consistent with other routine utility inspections.
  - (2) The utility shall test each discharge for hydrocarbon vapors using a standard explosimeter test. If the utility does not detect the presence of hydrocarbons, as indicated by the initial test, the following requirements of this provision do not apply.



- (a) If the utility detects the presence of hydrocarbon vapors, as indicated by the test, a sample of the discharge shall be collected, and a laboratory analysis performed to determine the concentration of benzene and BTEX. If analyses indicate that the concentration of benzene is less than 0.005 mg/L, and that the concentration of BTEX is less than 0.10 mg/L, the following requirements of this provision are not required.
  - (b) If an analysis indicates that the concentration of benzene is greater than 0.005 mg/L, or the concentration of BTEX is greater than 0.10 mg/L, the utility shall:
    - (i) submit a NOI for authorization to discharge under this general permit and land apply the water under the conditions of Part III, Section D of this permit;
    - (ii) apply for an individual permit; or
    - (iii) dispose of the water through an existing TPDES-permitted wastewater treatment system.
2. Discharges from electric utility vaults that contain oil-filled equipment (including transformers) shall meet the following additional requirements.
    - a. All oil-filled electrical equipment shall be examined to determine if the equipment is leaking. If the equipment is submerged and cannot be examined, the water shall be visually examined for evidence of contamination. If there is no evidence of contamination from leaking equipment, there are no additional requirements before discharge.
    - b. If contamination from oil-filled equipment exists, the equipment shall be examined to determine if the equipment is considered “non-PCB,” (i.e., <50 ppm polychlorinated biphenyls (PCBs)) according to Title 40 CFR Part 761. If the equipment is “non-PCB,” the following requirement of this provision does not apply.
    - c. If contamination is from oil-filled equipment that is considered “PCB contaminated,” according to Title 40 CFR Part 761, the water shall either be collected and disposed of according to state law or the water shall be sampled, analyzed, and not exceed the concentration of 0.002 mg/L for PCBs prior to discharge under this permit. The utility shall keep records of laboratory analyses at the utility’s office nearest the discharge. The utility shall maintain the records for a minimum of three years, and the records shall be made readily available to TCEQ personnel upon request.
  3. The discharge shall not contain free product.
  4. The discharge shall not cause nuisance conditions.
  5. Solid wastes shall be disposed of in accordance with the requirements of 30 TAC Chapter 330 and/or 30 TAC Chapter 335, as applicable.

6. The utility shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The utility shall immediately cease discharging whenever it is discovered the discharge may endanger human health or safety, or the environment. The problem shall be reported according to the requirements in Part III, Section B.9 of this permit.
7. For emergency repairs to utility equipment contained in utility vaults, where a discharge of petroleum-contaminated water is necessary in order to protect that equipment or to facilitate repairs, the utility may discharge as necessary and not follow the requirements of Part III, Section B.1-7 of this permit. Under these circumstances, the utility shall notify the appropriate TCEQ Regional Office by telephone as soon as possible.
8. Discharges from pipeline vaults do not include discharges of water contaminated by petroleum substances from the cleaning, repair, or testing of a pipeline.

#### **Section D. Land Application**

Land application of water contaminated by petroleum substances shall comply with the following requirements.

1. The volume of wastewater to be land-applied shall not exceed 1,000 gallons during any quarter.
2. The discharge limitations in Part III, Section A of this permit shall be satisfied by one of the following:
  - a. results of laboratory analyses;
  - b. written documentation demonstrating that the treatment system is properly operated and maintained and that the treatment efficiency is adequate to meet the effluent limits in Part III, Section A of this permit based on the intake concentrations; or
  - c. for test water from spill buckets and sumps required to be tested under 30 TAC § 334.48(g), the following best management practices shall be implemented prior to testing:
    - (1) spill buckets and containment sumps shall be thoroughly cleaned and dried;
    - (2) all liquids and debris (leaves, sediment, and trash) shall be removed from the spill bucket and containment sump and properly disposed; and
    - (3) spill buckets and containment sumps shall be examined for damages, defects and improperly installed components and repaired as necessary to prevent percolation into the soil.
3. Land application shall not occur when the ground is frozen, the ground has standing water, the ground is saturated, during rainfall events, or within 24 hours of a rainfall event of 0.5 inch or greater during a 24-hour period.

4. Land application shall not result in runoff, ponding of effluent, contamination of ground and surface waters, or occurrence of nuisance conditions in the area.
5. Wastewater shall not be land-applied within 100 feet of any private water well or within 500 feet of a public water supply well.
6. The permittee shall maintain vegetation in the land-application area.
7. There shall be no land application of wastewater containing floating solids or visible oil sheen. The wastewater shall not exhibit foaming of a persistent nature as prohibited by 30 TAC § 307.4(b)(6), *Aesthetic Parameters*.
8. Solid wastes shall be disposed of following the requirements of 30 TAC Chapter 330 and/or 30 TAC Chapter 335, as applicable.
9. The permittee shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The permittee shall immediately cease land application whenever it is discovered that land application activities may endanger human health or safety, or the environment. The problem shall be reported according to the requirements in Part III, Section B.9 of this permit.
10. The permittee shall maintain records to demonstrate compliance with the requirements of this section.

#### **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 authorization 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 shall 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 shall 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 shall be collected, and measurements shall be taken, at times and in a manner so as to be representative of the monitored discharge.
  - b. All samples shall 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 Water Works Association, and the Water Pollution Control Federation), 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, shall follow the requirements in 40 CFR Part 136.
  - d. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
  - e. The sampling point shall be downstream of any treatment unit or technique.
  - f. Analytical results for determining compliance with effluent limitations shall be recorded on a Discharge Monitoring Report (DMR) (EPA No. 3320-1), a TCEQ-approved self-generated form, or a copy of record, if 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 shall be submitted on a monthly or annual basis, depending on the required sampling frequency, to the TCEQ Enforcement Division (MC 224) or online using the NetDMR reporting system available through the TCEQ website. 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<sup>st</sup> 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, Section B.9 of this 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 shall 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 shall include:
    - (1) date, time, and place of sample or measurement;
    - (2) identity of individual who collected the sample or made the measurement;
    - (3) date of laboratory analysis;
    - (4) identity of the individual and laboratory that performed the analysis;
    - (5) the technique or method of analysis; and
    - (6) the results of the analysis or measurement.
  - i. All laboratory tests submitted to demonstrate compliance with this permit shall meet the requirements of 30 TAC Chapter 25, *Environmental Testing Laboratory Accreditation and Certification*.
8. All NOIs, NOTs, and NOCs shall meet the requirements of 30 TAC § 305.44(a), *Signatories to Applications*. All reports requested by the executive director shall 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; or

- 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 and permittees that are authorized under this general permit are hereby issued a waiver from the electronic reporting requirements of 40 CFR Part 127. Therefore, applicants and permittees may continue to submit NOI, NOT, and NOC forms to TCEQ in paper format. Permittees may submit DMR forms in paper format or online using the NetDMR reporting system available through the TCEQ website.

## **Part V. Fees**

The following fees apply to all permittees that are required to submit an NOI in accordance with Part II, Section C of this permit.

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

**FACT SHEET AND EXECUTIVE DIRECTOR'S FINAL DECISION  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT TXG830000**

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Issuing Office: Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711

Prepared by: Shannon Gibson  
Wastewater Permitting Section  
Water Quality Division  
(512) 239-4284

Date: September 6, 2023

Permit Action: Renewal with Amendment of General Permit TXG830000

**I. Summary**

The Texas Commission on Environmental Quality (TCEQ) is reissuing Texas Pollutant Discharge Elimination System (TPDES) General Permit TXG830000, issued September 7, 2018. The general permit authorizes discharges of water contaminated by petroleum substances from: groundwater pump tests; groundwater, surface water, and soil remediation activities; cleanup activities following spills that occur during transportation of petroleum substances; testing spill buckets and sumps, as required by 30 Texas Administrative Code (TAC) § 334.48(g); removal of water from underground and aboveground storage tank systems previously containing petroleum substances; removal of accumulated groundwater from excavation sites; and removal of accumulated water from utility and pipeline vaults. The draft permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

**II. Executive Director's Recommendation**

The executive director has made a final 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 TAC § 205.5(a).

**III. Permit Applicability and Authorization**

A. This general permit authorizes the discharge of water contaminated by petroleum substances into or adjacent to water in the state. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

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- B. The following discharges are not eligible for authorization under this general permit:
- (1) discharges prohibited by 30 TAC Chapter 213, *Edwards Aquifer* and 30 TAC Chapter 311, *Watershed Protection*;
  - (2) discharges adjacent to water in the state (i.e., land application, evaporation, or reuse) from activities that are regulated by the Railroad Commission of Texas, including crude oil and natural gas facilities. Discharges from these facilities into water in the state are authorized under this general permit.
  - (3) discharges into or adjacent to water in the state from activities regulated under Title 40 of the Code of Federal Regulations (CFR), Chapter 1, Subchapter N (including but not limited to 40 CFR Part 419, *Petroleum Refining Point Source Category*, or 40 CFR Part 435, *Oil and Gas Extraction Point Source Category*).
  - (4) discharges that do not meet surface water quality standards, cause a violation of water quality standards, cause or contribute to a water quality violation, or fail to protect and maintain existing designated uses;
  - (5) discharges of the pollutants to impaired water bodies when there is a TCEQ adopted total maximum daily load (TMDL) unless the discharges are consistent with the adopted TMDL. Parameters or water quality conditions are those causing a water body to be listed as impaired; and
  - (6) discharges that would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.
- C. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit nor an individual wastewater 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 publicly owned treatment works;
  - (4) underground injection in accordance with 30 TAC Chapter 331, *Underground Injection Control*; or
  - (5) discharge to aboveground storage tanks with no resulting discharge into or adjacent to water in the state.

**IV. Permit Effluent Limitations**

- A. Unless specifically exempted from the notice requirements under Part II, Section C.5 of the general permit, waters contaminated by petroleum substances



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discharged under the authority of this general permit shall meet the following effluent limitations:

Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons (1)	15 mg/L	Grab	One/week (2)(3)
Total Lead (4)	0.10 mg/L	Grab	One/week (2)(5)
Total Lead (4)	0.02 mg/L	Grab	One/week (2)(5)
Benzene	0.005 mg/L (6)	Grab	One/week (2)(3)
Total BTEX (7)	0.10 mg/L (6)	Grab	One/week (2)(3)
PAH (8)	0.01 mg/L	Grab	One/month (2)(9)
pH	6.0 - 9.0 Standard Units	Grab	One/week (2)
MTBE (10)	0.15 mg/L	Grab	One/week (2)(5)

- (1) Total petroleum hydrocarbons shall be analyzed using TCEQ Method 1005.
- (2) When discharging.
- (3) The permittee may request that the monitoring frequency be revised from once per week to once every two weeks if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (4) The daily maximum limitation for total lead is 0.02 milligram per liter (mg/L) for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For the other counties in the state, the daily maximum limitation is 0.10 mg/L.
- (5) If the permittee certifies in the notice of intent that none of the materials handled or stored at the site contain lead, lead additives, or methyl tertiary-butyl ether (MTBE), the monitoring frequency is once per year. If, at a later date, materials handled or stored at the site contain lead, lead additives, or MTBE, 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. The permittee may also request that the monitoring frequency be revised from once per week to once a month if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.

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- (6) If petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum limitation for benzene is 0.05 mg/L and the daily maximum limitation for total BTEX is 0.5 mg/L.
- (7) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
- (8) Polynuclear aromatic hydrocarbons (PAH) shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenz(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
- (9) The permittee may request that the monitoring frequency be revised from once per month to once every three months if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per month.
- (10) MTBE is methyl tertiary-butyl ether.

**V. Changes From Existing General Permit**

- Throughout the permit, the phrase "coverage" was replaced with "authorization" for clarity.
- Revision of the definition for Aboveground Storage Tank System for consistency with 30 TAC Chapter 213, *Edwards Aquifer*, where the term is specifically defined.
- Addition of miscellaneous petroleum contaminated wastewaters (such as utility water overflows and blowdown) to the list of discharges eligible for authorization under Part II, Section A. Additionally, the Part II, Section B.9 was added to clarify that discharges resulting from activities regulated under Title 40 of the Code of Federal Regulations (CFR), Chapter 1, Subchapter N are not authorized (including but not limited to 40 CFR Part 419, *Petroleum Refining Point Source Category*, or 40 CFR Part 435, *Oil and Gas Extraction Point Source Category*).
- Revision of Part II, Section B.3 to specify that discharges resulting from activities that are regulated by the Railroad Commission of Texas, including crude oil and natural gas facilities, are covered by this general permit. However, disposal of wastewater from these facilities adjacent to water in the state (i.e., land application or evaporation) are not covered by this permit. This change is required for consistency with HB2771, 86<sup>th</sup> Texas Legislative Session.
- Revision of Part II, Section B.5 to specify home-rule municipality as established in 'Texas statute' instead of the specific rule to ensure flexibility to accommodate future rule and citation changes.
- Update to Part II, Section B.7 and Part III, Sections C.5 and D.8, to reference 30 TAC Chapter 330, *Municipal Solid Waste*, in lieu of Texas Health and Safety Code Chapter 361, *Solid Waste Disposal*.

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- Removal of the option for FAX notification under Part III, Section B.9.a for consistency with 30 TAC § 305.125(9), *Standard Permit Conditions*.
- Clarification that effluent limitations specified under Part III, Section A.1 apply when the permittee is discharging by converting the requirement from an asterisk (\*) to (2) for consistency with other requirements. Subsequent requirements have been renumbered.
- Revision of Part III, Section C.1 to clarify the requirements and frequency of hydrocarbon vapors testing by utilities.
- Revision of Part IV.7.f to clarify reporting and signature requirements for annual tests.
- Clarification that the term “non-PCB,” under Part III, Section C.2.b means a detectable concentration less than 50 ppm polychlorinated biphenyls for consistency with Title 40 CFR Part 761, *Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution In Commerce, And Use Prohibitions*.
- Clarification that the water shall either be collected and disposed of according to state law or the water shall be sampled, analyzed, and not exceed the concentration of 0.002 mg/L for PCB prior to discharge under this permit.
- Other non-substantive revisions and updates.

**VI. Addresses**

Comments on this proposed general permit should be sent to:

Office of the Chief Clerk (MC-105)  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087  
(512) 239-3300

Questions concerning this draft general permit should be directed to:

Shannon Gibson  
TCEQ  
Wastewater Permitting Section (MC-148)  
Water Quality Division  
P.O. Box 13087 Austin, TX 78711-3087  
(512) 239-4284

Supplementary information on this fact sheet is organized as follows:

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

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**VII. Legal Basis**

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 prior to amendment of the statute by House Bill (HB) 1542 in 1997, and to authorize waste discharges by the general permit. On September 14, 1998, the TCEQ received authority from the EPA through a Memorandum of Agreement between the two agencies to administer the National Pollutant Discharge Elimination System (NPDES) program in Texas as TPDES.

The Clean Water Act (CWA) §§ 301, 304, and 401 (33 United States Code (USC) §§ 1331, 1314, and 1341) include provisions that state that NPDES permits shall 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 are included in the proposed general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand, oil and grease, total suspended solids, 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 that 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).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards that apply to specific industrial categories and subcategories. 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). This general permit was previously issued on September 7, 2018.

**VIII. Regulatory Background**

The regulation of water contaminated by petroleum substances was initially through authorization by rule, 30 TAC Chapter 321, Subchapter H, *Discharge to Surface Waters from Treatment of Petroleum Substance Contaminated Waters* (repealed October 11, 2007). This rule was originally adopted with an effective date of May 9, 1989. The commission was given authority to issue general permits by HB 1542, passed during the 75th legislative session in 1997. Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76th legislative session in 1999. 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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**IX. Permit Authorization**

The purpose of the general permit is to regulate the discharge of water contaminated by petroleum substances into or adjacent to water in the state. To obtain authorization to discharge under this general permit, an applicant will need to use the following guidelines.

- A. Unless specifically exempted from the notice requirements under Part II, Section C.5 of the general permit, all applicants seeking authorization to discharge under this general permit shall submit a completed 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 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 the general permit. Unless the discharge is located within ten stream miles upstream of the Edwards Aquifer recharge zone, provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ (see Part II, Section C.5 of the general permit). The NOI shall be submitted to the address indicated on the NOI form. 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, *Authorizations and Notices of Intent* and TWC, § 26.040(h). 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.
- C. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) shall provide a copy of the NOI to the operator of the system at the same time an NOI is submitted to the TCEQ.
- D. For discharges located in or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall 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.
- E. An NOI is not required if:
  - (1) The discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C of the general permit. The executive director considered the following in making this determination as required by 40 CFR §122.28(b)(2)(v):

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- (a) Type of discharge: The discharge would be the result of accumulated water within a utility vault.
  - (b) Expected nature of the discharge: The water discharged from a utility vault would primarily be rainfall runoff. Without the submission of an NOI, the permit would not allow a discharge to surface waters from a utility vault that contains hydrocarbon vapors or shows evidence of leaking oil-filled equipment. Also, the discharge shall not contain free product, be considered "non-PCB" (i.e., <50 parts per million polychlorinated biphenyls (PCBs)) or have a PCB level not to exceed 0.002 mg/L PCB, and shall not contain a concentration of taste or odor producing substances that interfere with the production of potable water or interfere with the reasonable use of water in the state.
  - (c) Expected volume of the discharge: On a daily basis, the volume is expected to be negligible to nonexistent. During rainfall events the volume is dependent on the amount of rainfall.
  - (d) Other means of identifying discharges covered by this general permit: Each utility company can provide this information upon request.
  - (e) Estimated number of discharges to be covered by the permit: Based on information provided by the Association of Electric Companies of Texas there are thousands of utility vaults in the state that are eligible for discharge under this general permit.
- (2) All free product is removed and disposed of in compliance with state law, and the remaining contaminated water is routed to an existing TPDES permitted wastewater treatment system, disposed of under authorization of a Texas Land Application Permit, underground injection in accordance with 30 TAC Chapter 331, or other approved disposal method.
- (3) The petroleum substance contaminated water is land applied in accordance with the requirements in Part III, Section D of the permit.
- F. 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 shall submit a Notice of Termination (NOT) and the future owner and operator shall submit an NOI. The NOT and NOI shall be submitted no later than 10 days before the change. Permittees discharging to an MS4 shall submit a copy of the NOT and NOI to the MS4 at the same time the NOT and NOI are submitted to the TCEQ.
- G. 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 or 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 a MS4 shall submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

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**X. Technology-Based Requirements**

The limitations and conditions of the proposed 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. The limitations for these parameters are: 15 mg/L total petroleum hydrocarbons, 0.10 mg/L BTEX, 0.01 mg/L PAH, and between 6.0 to 9.0 standard units pH. These effluent limitations are economically achievable and are established at levels existing in the current TPDES General Permit TXG830000.

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. 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.

**XI. Water Quality-Based Requirements**

The Texas Surface Water Quality Standards (TSWQS) codified at 30 TAC Chapter 307 state that "surface waters must 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 ensure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional 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 data bases 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. Water quality based effluent limits for total lead, benzene, and MTBE are continued from the existing permit.

The daily maximum effluent limit of 0.10 mg/L for total lead was developed based on the protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs. These limits will help ensure that chronic criteria will be protected. Human health criteria are protected by the 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.

The daily maximum effluent limit of 0.02 mg/L for total lead was developed for discharges into the Cypress, Sabine, and Neches river basins. The basis for this

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decision was that these river basins are characterized by soft water (lower pH) in comparison to other regions in the State of Texas and the limit of 0.10 mg/L would not be protective of water quality standards.

For the protection of human health and to protect drinking water taste and odor the limitation for MTBE is 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 0.020-0.040 mg/L in order to protect consumer acceptance (taste and odor) of public drinking water supply. This range is about 20,000 to 100,000 times lower than the range of exposure levels in which cancer and noncancer 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 0.020 mg/L. Studies indicate that MTBE can cause detectable taste and odor in water at concentrations greater than 0.015 mg/L. The effluent limitation for MTBE is 0.15 mg/L in the draft general permit. This effluent limit 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 0.581 mg/L for the protection of fish consumption. The general permit specifies an effluent limit of 0.005 mg/L for benzene. This effluent limit is expected to meet water quality standards, including standards for drinking water sources.

The BTEX effluent limit of 0.1 mg/L remains protective of all BTEX constituents except for benzene when: (1) typical dilutions are assumed near the point of discharge for lakes and estuaries; (2) discharges are not large; or (3) discharges are not continuous. The numeric effluent limit for benzene is less than the maximum contaminant level (MCL) for this pollutant and is also equal to the human health water quality standard for public drinking water supplies.

The toxicity of BTEX is extremely variable and depends on the relative concentration of each constituent. Criteria which have been derived for individual BTEX constituents are as follows (table in mg/L):

<b>Chemical</b>	<b>Water and Fish</b>	<b>Fish Only</b>	<b>Freshwater Aquatic Life Chronic</b>	<b>Saltwater Aquatic Life Chronic</b>
Benzene	0.005 †	0.581 †	0.530 #	0.510 #
Ethylbenzene	0.700 †	1.867 †	1.090 §	0.249 §
Toluene	1.000 †	20.026 †	1.450 §	0.475 §
Xylene	10.000 ††	No HH data	1.340 §	0.850 §

† 30 TAC Chapter 307, Table 2.

§ Derived by TCEQ staff from available data, in accordance with procedures in the TSWQS, 30 TAC § 307.6(c)(7) and (d)(8).

# Calculated using an acute-to-chronic ratio of 10.



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- ¶ Derived from EPA, National Recommended Water Quality Criteria: 2002, EPA-822-R-02-047, November 2002; in accordance with procedures in the TSWQS, 30 TAC § 307.6(d)(8).
- †† MCL specified in 30 TAC Chapter 290, *Public Drinking Water*.

In order to achieve compliance with the TSWQS, permittees shall 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 the reasonable use of the 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. This requirement, however, 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.

The discharges authorized under this general permit are not typically continuous flowing discharges and the limitations for pollutants of concern in the permit should preclude toxicity instream. The concentrations (LC 50) of these pollutants that exhibit 50% mortality are less protective than the concentrations in the permit. Toxicity data compiled by the Water Quality Assessment Team shows LC 50's for sensitive freshwater species as 5.3 mg/L for benzene, 17 mg/L for toluene, 12.1 mg/L for ethylbenzene, and 3.8 mg/L for xylene. The LC 50's for marine species are 4.3 mg/L for toluene and 87.6 mg/L for ethylbenzene. Therefore, the limits in the draft permit of 0.005 mg/L for benzene, and 0.1 mg/L for BTEX should preclude toxicity instream, so the 24-hour toxicity tests are not required by the general permit.

## **XII. 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 establishes 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.

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- 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*.
- G. Analytical results for determining compliance with effluent limitations must be recorded on a DMR (EPA No. 3320-1), a TCEQ-approved self-generated form, or online using the NetDMR reporting system. Effluent sampling must 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 monitoring frequency, to the TCEQ Enforcement Division (MC 224) or online using the NetDMR reporting system. The DMR for any given month is due by the 20th day of the following month. The DMR for annual tests shall be due by March 31<sup>st</sup> 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.B.9 of the general permit.

**XIII. 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, *General Permits for Waste Discharges*, when the draft general permit is proposed, notice shall 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 shall 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, *Mailing Lists*; and
- D. any other person the executive director or chief clerk may elect to include.

After notice of the general permit is published in the *Texas Register* and the newspaper(s), the public will have 30 days to provide public comment on the proposed permit.

Any person, agency, or association may request a public meeting on the proposed general permit to the executive director 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 or if requested by a member of the legislature. A public

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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 30 TAC § 39.411(d). 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.

**XIV. Administrative Record**

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

A. EPA Rules

40 CFR Parts 122, 124, 127, 136, 419, 435, and 761

B. TCEQ Rules

30 TAC Chapters 39, 205, 281, 305, 307, 309, 319, 321, 331, and 335

C. Letters/Memoranda/Records of Communication

Interoffice Memorandum from the Water Quality Standards Implementation Team dated August 16, 2022.

D. TPDES General Permit TXG830000 issued September 7, 2018

E. Publications

- *2022 Texas Integrated Report of Surface Water Quality*, TCEQ
- *Procedures to Implement the Texas Surface Water Quality Standards*, (RG-194) TCEQ, July 2010
- *National Recommended Water Quality Criteria*, EPA-822-R-02-047, 2009

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF COMMISSION ACTION ON GENERAL PERMIT TXG830000

The Texas Commission on Environmental Quality (TCEQ) reissued Texas Pollutant Discharge Elimination System General Permit Number TXG830000 during its public meeting on September 6, 2023. This general permit authorizes discharges of water contaminated by petroleum substances into or adjacent to any water in the state.

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 of Petroleum Contaminated Water; General Permit No. TXG830000; TCEQ Docket No. 2022-1591-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 of water contaminated by petroleum substances into or adjacent to water in the state, 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 September 6, 2023, 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 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