TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AGENDA ITEM REQUEST

for General Permit Adoption

AGENDA REQUESTED: January 16, 2025

DATE OF REQUEST: December 20, 2024

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

CAPTION: Docket No. 2024-1123-MIS. Consideration of the adoption of the renewal with amendment of the Texas Pollutant Discharge Elimination System General Permit, TXG500000, which authorizes the discharge of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges from quarries located greater than one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway or Coke Stevenson Scenic Riverway and outside of the 100-year floodplain. Public notice of the proposed general permit was published in the August 9, 2024, issue of the *Texas Register* (49 TexReg 6047). (Monica Alba Garcia, Michael Parr) (Non-Rule Project No. 2023-118-OTH-NR)

Director

Deputy Director

Agenda Coordinator

Texas Commission on Environmental Quality

Interoffice Memorandum

То:	Commissioners	Date: December 20, 2024
Thru:	Laurie Gharis, Chief Clerk Kelly Keel, Executive Director	
From: CML	Cari-Michel La Caille, Director Office of Water	
Docket No.:	2024-1123-MIS	

Subject: General Permit: Commission Approval for Adoption Renewal with Amendment of General Permit No. TXG500000 Project Number: 2023-118-OTH-NR

Summary and background:

This is a renewal with amendment of the existing Texas Pollutant Discharge Elimination System (TPDES) general permit which authorizes the discharge of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges from quarries located greater than one mile from a water body within the water quality protection area in the John Graves Scenic Riverway. This area is that portion of the Brazos River Basin, and its contributing watershed, located downstream of the Morris Shepard Dam on the Possum Kingdom Reservoir in Palo Pinto County and extending to the county line between Parker and Hood Counties. The current permit expired on March 29, 2024. On December 29, 2023, TCEQ published the Notice of Intent to Reissue in the Texas Register to provide notification to permittees of the administrative continuance of the general permit and their authorizations.

The existing general permit is based on Texas Water Code (TWC), Chapter 26, Subchapter M; 30 Texas Administrative Code (TAC) Chapter 311, Subchapter H; and 30 TAC Chapter 37, Subchapter W, resulting from passage of Senate Bill 1354, 79th Texas Legislature, 2005. Specifically, TWC, §26.553(b) requires quarries greater than one mile from a water body in a water quality protection zone to obtain a general permit authorization.

The proposed general permit renewal with amendment will implement House Bill (HB) 1688, 88th Regular Legislative Session, which amended TWC Chapter 26, Subchapter M (Water Quality Protection Areas) by expanding the pilot program, originally established for the John Graves Scenic Riverway (Brazos River Basin), to include the "Coke Stevenson Scenic Riverway" (Colorado River Basin). The Coke Stevenson Scenic Riverway is defined in the bill as the South Llano River in Kimble County, located upstream of the river's confluence with the North Llano River at the City of Junction.

Basic requirements:

A. Applicability:

The TPDES General Permit No. TXG500000 authorizes the discharge of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater sources into or adjacent to

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water in the state from quarries located greater than one mile from a water body within the water quality protection area.

B. Permit Requirements:

Applicants seeking authorization to discharge under this general permit are required to submit a Notice of Intent (NOI), a Restoration Plan that includes a proposed plan of action for how the applicant will restore the receiving waters to background conditions in the event of an unauthorized discharge that affects those receiving waters, Proof of Financial Assurance for Restoration, and a Pollution Prevention Plan (P3) that covers the entire quarry.

Authorization begins after the applicant is notified by the TCEQ that the NOI, P3, Restoration Plan, and Proof of Financial Assurance for Restoration have been reviewed and approved. There is no provisional authorization.

C. Fees:

The NOI application fee is \$1,215. There is no fee for the submission of a Notice of Termination (NOT) or Notice of Change (NOC). The annual water quality fee is \$800.

Number of current/expected authorizations:

Currently, there are six quarries authorized under the existing general permit located in the John Graves Scenic Riverway. There are currently no quarries located in the new water quality protection area of the Coke Stevenson Scenic Riverway. It is not anticipated that the number of permittees will significantly increase.

Proposed changes from the current permit:

- 1. Revise the general permit to implement necessary changes related to the proposed rule changes in 30 TAC Chapter 311, Subchapter H, as a result of HB 1688 from the 88th Texas Legislature which expanded the pilot program, originally established for the John Graves Scenic Riverway, to include the Coke Stevenson Scenic Riverway effective September 1, 2023.
 - a. Modify the permit title from "John Graves Scenic Riverway General Permit TXG500000" to "Quarries in Certain Water Quality Protection Areas General Permit TXG500000."
 - b. Add a definition for "Coke Stevenson Scenic Riverway," and modify the existing definition of "Water Quality Protection Areas" to encompass the new water quality protection areas of the Coke Stevenson Scenic Riverway. The Coke Stevenson Scenic Riverway is the South Llano River in Kimble County, located upstream of the river's confluence with the North Llano River at the City of Junction. The definition for "Water Quality Protection Areas" is based on the definition of the term in both TWC §26.551 and 30 TAC §311.71.
 - c. Modify permit applicability language to encompass quarries within the new water quality protection areas of the "Coke Stevenson Scenic Riverway" and expand the permitting and financial assurance requirements to those quarries.

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- d. Modify permit applicability language to expand the permitting and financial assurance requirements for quarries to include the "Coke Stevenson Scenic Riverway" and to clarify that only quarries outside of the 100-year floodplain are eligible.
- e. Modify permit expiration language to explain:
 - i. the need for operators to obtain alternative permit coverage once the Pilot Program expires mid-permit term on September 1, 2027; and
 - ii. that this general permit and the authorization contained herein expire five years after the effective date or on the date of expiration of TWC Chapter 26, Subchapter M, whichever occurs first.
- f. Revise language throughout the permit to refer to "Water Quality Protection Areas" instead of only the "John Graves Scenic Riverway" since the general permit will now regulate both the John Graves Scenic Riverway and the Coke Stevenson Scenic Riverway.
- 2. Revise the cover page of the general permit and the Discharge definition to:
 - a. update the term "*no significant* aquatic life use" with "*minimal* aquatic life use" as it is no longer part of the Texas Surface Water Quality Standards (TSWQS), Table 3, which details aquatic life use subcategories, minimal aquatic life use has been historically known as no significant aquatic life use; and
 - b. replace the language "...*designated* in the..." with "...*identified* in the..." to clarify that the permit also encompasses water bodies that are not designated in Appendix A or Appendix D of the 2022 TSWQS, per 30 TAC §307.10.
- 3. Remove the definition for "Hyperchlorination of Waterlines" as the term is not used in the permit.
- 4. Revise the existing definition for "Quarry" to remove the description of "responsible party" language that is included as a separate definition in the permit.
- 5. Modify permit language in Part III.B.6. Aggregate Production Operations (APO) Registration Requirements to clarify that authorization under this general permit is separate from and does not fulfil the requirement for responsible parties to register their APO with TCEQ's Occupational Licensing & Registration Division as per 30 TAC §342.25.
- 6. Expand on the minimum contents of the NOI in Part III.D.5. to comply with federal electronic reporting requirements in Title 40 CFR Part 127.
- 7. Revise the Pollution Prevention Plan (P3) section to simplify the permit language by combining the first two stabilization measures language in Part VI.C.4.(b)(iii) into one.
- 8. Revise the Numeric Effluent Limitations section as follows:
 - a. Clarify that the eligible discharges discussed in Part IX.A. are also subject to the standard monitoring requirements described in Part X.G of the general permit.
 - b. Update existing Numeric Effluent Limitations Table 3 to include Segment No. 1230 within the John Graves Scenic Riverway for consistency with the Water Quality Assessment Section recommendation memoranda.

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- c. Update the Daily Average Limitation and Daily Maximum Limitation for the parameter Selenium and the Daily Maximum Limitation for the parameter Cadmium in Table 3 for Segment Nos. 1205, 1206, and 1230 based on the Texas Toxicity Modeling Program (TEXTOX) report generated on February 2, 2024.
- d. Include a new table, Table 4, to establish Numeric Effluent Limitations for discharges to Segment No. 1415 within the Coke Stevenson Scenic Riverway based on state rules and the TEXTOX report generated on February 2, 2024.
- 9. Clarify that discharges from emergency fire-fighting activities are considered an allowable non-stormwater discharge for consistency with the TCEQ's 2021 Multi-Sector General Permit (MSGP), 2023 Construction General Permit (CGP), and the 2022 U. S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) CGP.
- 10. Add a requirement to increase the inspection schedule from once per week to once per day for discharges from dewatering of trenches and excavations and pumping or dewatering of standing water for consistency with TCEQ's 2023 CGP.
- 11. Revise the Permit Requirements section to distinguish which TCEQ Regional Office the permittee will report noncompliance that may endanger human health or safety, or the environment, respective to the site's location.

Planned stakeholder involvement:

A letter was sent to facilities currently authorized under the existing general permit advising them of the upcoming renewal and provided an opportunity to submit preliminary comments. No comments were received.

Updates on the status of this general permit renewal are posted on the TCEQ General Permits website and were provided at the quarterly Water Quality Advisory Workgroup meetings held on January 24, 2023, April 25, 2023, July 25, 2023, October 24, 2023, January 16, 2024, April 16, 2024, July 16, 2024, and October 15, 2024.

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.

EPA Review:

On March 22, 2024, the draft permit was sent to the EPA for their review, with a deadline of May 21, 2024. On May 21, 2024, EPA requested an extension to June 4, 2024, to complete their review; TCEQ granted the extension. On May 17 and May 23, 2024, TCEQ received informal comments from the EPA regarding the calculations of the water quality-based limits. On May 28, 2024, TCEQ provided additional information in response to the EPA's informal comments.

On June 4, 2024, the TCEQ received a letter from the EPA stating, "the TCEQ, in its role as the NPDES permitting authority for the State of Texas, may proceed with the issuance of the draft permit." Additional clarification language was added to the fact sheet as a

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result of EPA's informal comments. No changes were made to the permit as a result of EPA's review.

Public comment:

Public notice was published in the *Texas Register* and the *Houston Chronicle* on August 9, 2024; and in the *Weatherford Democrat* on August 10, 2024; and in the *Junction Eagle* on August 14, 2024. The public comment period ended on September 13, 2024. No public comments were received.

Potential controversial concerns and legislative interest:

None are anticipated. Representative Murr held a Town Hall meeting in the City of Junction on May 16, 2024, no issues were raised regarding this general permit.

Effect on the regulated community, public, or agency programs:

This permit action is not expected to have a significant effect on the regulated community, the public, or agency programs. However, operators covered under the existing permit will need to reapply and comply with the requirements of the renewed permit. Any new operators within the new water quality protection area of the Coke Stevenson Riverway will need to obtain authorization as described above.

Key dates in the proposed general permit schedule:

Published notice in *Texas Register*: August 9, 2024 Published notice in *Houston Chronicle* on August 9, 2024; *Weatherford Democrat* on August 10, 2024; *Junction Eagle* on August 14, 2024 Public comment period ended: September 13, 2024 Scheduled Commission Agenda Date: January 16, 2025

Statutory authority:

- 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.
- TWC, §26.553, which requires quarries located in a water quality protection area and located a distance greater than one mile from any water body to obtain a general permit.

Agency Contacts:

Monica Alba Garcia, Project Manager, , Water Quality Division, 512-239-4543 Michael Parr, Staff Attorney, Environmental Law Division, 512-239-0611 Gwendolyn M. Ricco, Texas Register Coordinator, General Law Division, 512-239-2678

Attachments: Draft Permit and Fact Sheet

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cc: Chief Clerk, 7 copies

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces TPDES General Permit No. TXG500000, issued March 29, 2019

Quarries located greater than one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway and Coke Stevenson Scenic Riverway, in the state of Texas,

may discharge process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges into or adjacent to water in the state, including exceptional, high, intermediate, limited, or minimal aquatic life use receiving waters as identified 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(s) the right to use private or public property for conveyance of wastewater and stormwater along the discharge route. This includes, but is not limited to, property belonging 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 permittees to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein expire five years after the effective date or on the date of expiration of Texas Water Code Chapter 26, Subchapter M, whichever occurs first.

ISSUED AND EFFECTIVE DATE:

For the Commission

GENERAL PERMIT No. TXG500000 RELATING TO DISCHARGES FROM QUARRIES LOCATED GREATER THAN ONE MILE FROM A WATER BODY WITHIN THE WATER QUALITY PROTECTION AREAS IN THE JOHN GRAVES SCENIC RIVERWAY AND COKE STEVENSON SCENIC RIVERWAY

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Part I. Definitions

All definitions in Texas Water Code (TWC) §26.001; Title 30 Texas Administrative Code (TAC) Chapters 205; 305; and 311 Subchapter H apply to this general permit and are incorporated by reference. Some specific definitions of words or phrases used in this general permit are as follows:

25-year, 24-hour rainfall event- The maximum rainfall event with a probable recurrence interval of once in 25 years, with a duration of 24 hours, as defined by the National Weather Service and Technical Paper Number 40, *Rainfall Frequency Atlas of the U.S.*, May 1961, and subsequent amendments; or equivalent regional or state rainfall information.

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

Best Management Practices (BMPs)- Any prohibition, management practice, maintenance procedure, or schedule of activity designed to prevent or reduce the pollution of water in the state. BMPs include treatment, specified operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

Coke Stevenson Scenic Riverway- The South Llano River in Kimble County, located upstream of the river's confluence with the North Llano River at the City of Junction, Texas.

Construction stormwater- Stormwater from a construction activity where soil disturbing activities (including clearing, grading, excavating) result in the disturbance of land area.

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

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

Daily maximum concentration- The maximum concentration measured on a single day, by the sample type specified in the general permit, within a period of one calendar month.

Discharge- For the purpose of this permit, the drainage, release, or disposal of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges into or adjacent to water in the state, including exceptional, high, intermediate, limited, or minimal aquatic life use receiving waters as identified in the Texas Surface Water Quality Standards.

Final stabilization- All soil disturbing activities at the site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

General permit- A permit issued under the provisions of 30 TAC Chapter 205 authorizing the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by TWC §26.040.

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

Highwall- Vertical face remaining from the final cut of a surface mining operation.

Impaired water- A surface water body that is identified as impaired on the latest approved Clean Water Act (CWA) §303(d) List or waters with an EPA approved or established total maximum daily load (TMDL) that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*, which lists the category 4 and 5 water bodies.

Industrial activities- Manufacturing, processing, material storage, and waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by the Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

Infeasible- Not technologically possible, or not economically practicable and achievable in light of best industry practices. (Title 40 Code of Federal Regulations (CFR) §450.11(b)).

John Graves Scenic Riverway- That portion of the Brazos River Basin and its contributing watershed, located downstream of the Morris Shepard Dam on the Possum Kingdom Reservoir in Palo Pinto County, Texas, and extending to the county line between Parker and Hood Counties, Texas.

Mine dewatering- Any water that is impounded or collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This provision does not include stormwater associated with industrial activity impounded by berms or other structures at surface quarrying operations, or lateral seepage from sand pits located adjacent to surface water bodies.

Minimize- To reduce or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

Navigable- Designated by the United States Geological Survey (USGS) as perennial on the most recent topographic map(s) published by the USGS, at a scale of 1:24,000.

Non-structural controls- Pollution prevention methods that are not physically constructed, including best management practices, used to prevent or reduce the discharge of pollutants.

Notice of Change (NOC)- A written submission to the executive director from a permittee authorized under this 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 notifying their intent to discharge or dispose of wastes under the provisions of a general permit.

Notice of Termination (NOT)- A written submission to the executive director from a permittee authorized under this general permit notifying their intent to cease the authorization to discharge or dispose of wastes under the provisions of a general permit.

Operator- Any person engaged in or responsible for the physical operation and control of a quarry.

Outfall- For the purpose of this general permit, any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, and/or tunnel from which pollutants are or may be discharged, from a regulated facility into surface water in the state.

Overburden- All materials displaced in an aggregates extraction operation that are not, or reasonably would not be expected to be, removed from the affected area.

Owner- Any person having title, wholly or partly, to the land on which a quarry exists or has existed.

Pit- An open excavation from which aggregates have been, or are being, extracted with a depth of five feet or more below the adjacent and natural ground level.

Pollutant- Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any water in the state. (TWC §26.001(13)).

Pollutant(s) of Concern- Includes biochemical oxygen demand (BOD), sediment, or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge.

Process wastewater- Any wastewater used in the slurry transport of mine material, air emissions control, or process exclusive of mining. The term shall include any other water which becomes commingled with such wastewater in a pit, pond, lagoon, mine or other facility used for treatment of such wastewater.

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

Quarrying- The current and ongoing surface excavation and development without shafts, drafts, or tunnels, with or without slopes, for the extraction of aggregates for commercial sale from natural deposits occurring in the earth.

Responsible party- Any owner, operator, lessor, or lessee who is primarily responsible for the overall function and operation of a quarry located in the water quality protection area as defined in this general permit.

Restoration- Those actions necessary to change the physical, chemical, and/or biological qualities of a receiving water body in order to return the water body to its background condition. Restoration includes on- and off-site stabilization to reduce or eliminate an unauthorized discharge, or substantial threat of an unauthorized discharge from the permitted site.

Stormwater Associated with Industrial Activity- Stormwater runoff that exits any conveyance that is used for collecting and conveying stormwater that is directly related to manufacturing, processing, material storage, and waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by one or more of Sectors A through AD of the TPDES Multi-Sector General Permit (TXR050000).

Structural Controls (or Practice)- Physical, constructed features that prevent or reduce the discharge of pollutants. Structural controls include, but are not limited to: sedimentation; detention ponds; velocity dissipation devices such as rock berms, vegetated berms, buffers; and silt fencing.

Surface Water in the State- Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems that are authorized by state or federal law, regulation, or permit, and that are created for the purpose of waste treatment are not considered to be water in the state.

Temporary stabilization- A condition where exposed soils or disturbed areas are provided a protective cover, which is required to be maintained, which may include temporary seeding, geotextiles, and mulches, or where structural controls are employed to reduce or eliminate erosion until either final stabilization can be achieved or until further mining activities take place.

Texas Land Application Permit (TLAP)- A permit issued by TCEQ for the land application and disposal of wastewater that does not result in a discharge to 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 Clean Water Act §§307, 402, 318 and 405; the Texas Water Code; and Texas Administrative Code regulations.

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

Water body- Any navigable watercourse, river, stream, or lake within the water quality protection area.

Water Quality Protection Areas- For purposes of this permit, it is

- (A) the portion of the Brazos River and its contributing watershed within Palo Pinto and Parker Counties, Texas, located downstream of the Morris Shepard Dam on the Possum Kingdom Reservoir in Palo Pinto County, and extending to the county line between Parker and Hood Counties, Texas; and
- (B) the South Llano River and its contributing watershed in Kimble County, located upstream of the river's confluence with the North Llano River at the City of Junction, Texas.

Part II. Commonly Used Acronyms

BMP	Best Management Practice
MGD	Million Gallons per Day
mg/L	Milligrams per Liter
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination
РЗ	Pollution Prevention Plan
TLAP	Texas Land Application Permit
TPDES	Texas Pollutant Discharge Elimination System Permit
TMDL	Total Maximum Daily Load

Part III. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

This general permit regulates the following discharges from quarries located greater than one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway or Coke Stevenson Scenic Riverway and outside of the 100-year floodplain:

- 1. process wastewater;
- 2. mine dewatering;
- 3. stormwater associated with industrial activity;
- 4. construction stormwater;
- 5. certain allowable non stormwater discharges as listed below:
 - (a) discharges from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, or similar activities);
 - (b) uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);

- (c) potable water sources (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated, and discharges are not expected to adversely affect aquatic life);
- (d) water from the routine washing of vehicles, the external portion of buildings or structures, and pavement, where solvents, detergents or soaps are not used, and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- (e) uncontaminated air conditioner condensate, compressor condensate, and steam condensate;
- (f) uncontaminated water used for dust suppression; and
- (g) springs and other uncontaminated groundwater.

Section B. Limitations on Coverage

- 1. This general permit does not apply to:
 - (a) a quarry located outside the water quality protection areas;
 - (b) a quarry located within one mile from a water body within the water quality protection areas;
 - (c) a quarry, or associated processing plant, located greater than one mile from a water body within a water quality protection area that mines clay and shale for use in manufacturing structural clay products;
 - (d) a quarry, or associated processing plant, located greater than one mile from a water body within the John Graves Scenic Riverway that since on or before January 1, 1994, has been in regular operation without cessation of operation for more than 30 consecutive days and under the same ownership;
 - (e) the construction or operation of a municipal solid waste facility regardless of whether the facility includes a pit or quarry that is associated with past quarrying;
 - (f) return flows from mining operations authorized by the U.S. Army Corps of Engineers under 33 CFR §323.2(d)(1)(ii); and
 - (g) discharges from facilities that are regulated by the Railroad Commission of Texas.
- 2. Compliance with Water Quality Standards

Discharges to surface water in the state that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing uses are not eligible for coverage under this general permit. The executive director may require an application for an individual permit (see Part III, Section F) to authorize discharges to surface water in the state from any activity that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of an existing use.

3. Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements

New sources or new discharges of the pollutant(s) of concern to impaired waters are not authorized by this permit, unless otherwise allowable under 30 TAC Chapter 305, 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 latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*. Pollutants of concern are those pollutants for which the water body is listed as impaired.

Discharges of pollutant(s) of concern to impaired water bodies for which there is a

TMDL are not eligible for this general permit unless they are consistent with the

approved TMDL. Permittees must incorporate the conditions and requirements applicable to their discharges into their Pollution Prevention Plan (P3), in order to be eligible for coverage under this general permit. For consistency with the regulated construction stormwater items in an approved TMDL, the P3 must be consistent with any applicable condition, goal, or requirement in the TMDL, TMDL Implementation Plan (I-Plan), or as otherwise directed by the executive director.

4. Protection of Streams and Watersheds by Other Governmental Entities

This general permit does not limit the authority or ability of federal, other state, or local governmental entities from placing additional or more stringent requirements on activities or discharges. For example, this permit does not limit the authority of a home-rule municipality provided by Texas Local Government Code §401.002.

5. Endangered Species

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

6. Aggregate Production Operations (APO) Registration Requirements

Authorization under this general permit is separate from and does not fulfil the requirement for responsible parties who are primarily responsible for overall function and operation of a quarry, sand pit, gravel pit, or other aggregate production operation to register their APO with TCEQ's Occupational Licensing & Registration as per 30 TAC §342.25.

Section C. Deadlines for Obtaining Authorization

1. Existing Quarries

Operators of existing quarries authorized under TPDES General Permit TXG500000 (effective on March 29, 2019), must submit an NOI, updated P3, and a Core Data Form (TCEQ- 10400), to renew authorization or a Notice of Termination (NOT) and a Stabilization Report as required by Part VIII, Section A of this general permit to terminate coverage under the previous general permit within 90 days of the

effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the previous general permit.

2. New Quarries

Operators of new quarries shall submit an NOI, Core Data Form, Restoration Plan, Proof of Financial Assurance for Restoration, the P3, and receive confirmation of coverage and an authorization number under this general permit prior to commencement of any on site activities (including construction activities).

Section D. Obtaining Authorization

- 1. Application for Coverage
 - (a) Applicants seeking authorization to discharge under this general permit shall submit to TCEQ's Water Quality Division, at the address specified on the NOI form:
 - (i) a completed NOI Form (TCEQ-20475);
 - (ii) a completed Core Data Form (TCEQ-10400);
 - (iii) a Restoration Plan as described in Part IV;
 - (iv) proof of financial assurance for restoration as described in Part V; and
 - (v) a P3 as described in Part VI.
 - (b) Following review of the NOI, Restoration Plan, financial assurance for restoration, and P3, the executive director may determine that:
 - (i) the submission is complete and confirm coverage by providing a notification and an authorization number;
 - (ii) the NOI, Restoration Plan, financial assurance for restoration, and/or P3 are incomplete and send a notice of deficiency to obtain additional information to allow the submission to become complete; or
 - (iii)deny coverage. Denial of coverage under this general permit is subject to the requirements of 30 TAC §205.4(c).
- 2. Change of Ownership or Operational Control

Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present permittee shall submit an NOT and the new owner and operator shall submit an NOI along with the other documents required in Section D.1 (a). The NOT and NOI must be submitted concurrently no later than 10 days prior to the change in owner or operator status. Any change in a permittee's Charter Number, as registered with the Texas Secretary of State, is considered a change in ownership of the company, and would require the new owner and operator to apply for permit coverage as stated above.

3. Notice of Change (NOC)

An NOC form must be submitted with supplemental or corrected information within 14 days following:

- (a) the time when the owner or operator becomes aware that it failed to submit any relevant facts or incorrect information in the NOI or NOI attachments; or
- (b) the time when relevant facts in the NOI change (e.g., phone number or P.O. Box).

The NOC must be submitted to TCEQ's Water Quality Division, at the address below:

By Regular Mail: TCEQ Applications Review and Processing Team (MC-145) P.O. Box 13087 Austin, Texas 78711-3087 *By Overnight /Express Mail* TCEQ Applications Review and Processing Team (MC-145) 12100 Park 35 Circle Austin, Texas 78753

4. Signatory Requirements for NOI, NOC, and NOT

The NOI, NOC, and NOT forms must be signed and certified consistent with 30 TAC §305.44(a) and (b) (relating to Signatories to Applications).

5. Contents of the NOI

The NOI must, at a minimum, include:

- (a) Operator
 - (i) The name, the name, address, and telephone number of the operator filing the NOI for permit coverage; and
 - (ii) the legal status of the operator (e.g., federal, state, private or public entity).
- (b) Site Information
 - (i) the name, address, county, and latitude and longitude of the site;
 - (ii) the location of outfall(s);
 - (iii) a determination of whether the site is located on Indian Land;
 - (iv) the name of the receiving water(s);
 - (v) the primary SIC code that best describes the industrial activity of the facility;
 - (vi) the industrial activities of the facility that are subject to federal effluent limitations guidelines; and
 - (vii) the name, address, and telephone number of the facility contact.
- (c) Existing TPDES authorization number, for facilities previously regulated under TXG500000.
- 6. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) must provide a copy of the NOI to the operator of the MS4 at the same time an NOI is submitted to TCEQ.

Section E. Terminating Coverage

- 1. Applicants seeking to terminate authorization under this general permit shall submit:
 - (a) an NOT and
 - (b) a Stabilization Report, in accordance with the requirements in Part VIII of this general permit.
- 2. The NOT and Stabilization Report must be submitted to TCEQ's Water Quality Division, at the address below:

By Regular Mail: TCEQ Applications Review and Processing Team (MC-145) P.O. Box 13087 Austin, Texas 78711-3087

By Overnight /Express Mail: TCEQ Applications Review and Processing Team (MC-145) 12100 Park 35 Circle Austin, Texas 78753

- 3. Following review of the NOT and Stabilization Report the executive director may determine that:
 - (a) the submission is complete and acknowledge termination by providing a notification;
 - (b) the NOT and Stabilization Report are complete, but a site visit is necessary to confirm stabilization prior to confirming termination and providing notification;
 - (c) the NOT and Stabilization Report are incomplete and send a notice of deficiency to obtain additional information to allow the submission to become complete; or
 - (d) deny termination.
- 4. The permittee shall continue to meet the requirements of this general permit until authorization under the general permit is terminated.

Financial assurance for restoration must be maintained until the executive director provides notification acknowledging the NOT and Stabilization Report.

Section F. Alternative TPDES/TLAP Coverage

1. Individual Permit Alternative

Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES or Texas Land Application Permit (TLAP) permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). Applications for individual permit coverage should be submitted at least three hundred and thirty (330) days prior to proposed date of commencement of construction activities to ensure timely authorization. No construction may commence until the applicant has been granted permit coverage.

2. Individual Permit Required

The executive director may suspend or deny an authorization under this general permit in accordance with the procedures of 30 TAC Chapter 205 (relating to

General Permits for Waste Discharges), including the requirement that the executive director provide written notice to the permittee. The executive director may require a quarry, otherwise eligible for authorization under this general permit, to apply for an individual TPDES/TLAP permit in the following circumstances:

- (a) the conditions of an approved total maximum daily load (TMDL) limitation or TMDL implementation plan on the receiving stream require conditions/restrictions that are inconsistent with or more restrictive than this general permit;
- (b) the activity has been determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of an existing use of surface water in the state; or
- (c) other consideration defined in 30 TAC Chapter 205, (relating to General Permits for Waste Discharges) including 30 TAC §205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger "has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director."
- 3. 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, relating to 30 TAC §60.3 (Use of Compliance History). The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC §60.3, Use of Compliance History. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h). Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit must be done according to commission rule in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).
- 4. 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.

Section G. Permit Expiration

- 1. This general permit is effective for five years from the effective date or until the expiration of TWC Chapter 26, Subchapter M, whichever occurs first. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. Permittees shall apply for authorization under an individual permit or an alternative general permit. After notice and public comment as provided by 30 TAC §205.3, this general permit may be amended, revoked, or canceled by the commission or renewed by the commission for an additional term or terms not to exceed five years.
- 2. If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect for those existing discharges covered by the general permit in accordance with 30 TAC Chapter 205. The general permit will remain in effect for these discharges until the date the

commission takes final action on this permit. No new NOIs will be accepted, and no new authorizations will be processed under the current general permit after the expiration date.

- 3. Upon issuance of the renewed or amended general permit, all permittees, including those covered under the expired general permit, will be required to submit an NOI and other required documents according to the requirements of the new general permit or to obtain an individual permit for those discharges.
- 4. If the commission determines not to reissue this general permit within 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit. If the application for an individual permit or alternative general permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit or an alternative general permit.

Part IV. Restoration

Section A. Restoration Plan

The applicant shall submit a Restoration Plan with the NOI. The Restoration Plan must include a proposed plan of action for how the applicant will restore the receiving waters to background conditions in the event of an unauthorized discharge that affects those receiving waters. The Restoration Plan, at a minimum, must:

- 1. identify receiving waters at risk of an unauthorized discharge from the quarry;
- 2. describe the process to be used in documenting the existing physical, chemical, and biological background conditions of each of the receiving waters;
- 3. provide a schedule for completing the determination of background conditions of each of the receiving waters and for updating background conditions in the future, as appropriate;
- 4. identify the potential environmental impacts to receiving waters from an unauthorized discharge from the quarry;
- 5. identify the goals and objectives of potential restoration actions;
- 6. provide a reasonable range of restoration alternatives and the preferred restoration alternative that may be implemented to return the affected waters to background conditions in the event of an unauthorized discharge, including estimated time it will take for restoration activities to be initiated and completed;
- 7. describe the process for monitoring the effectiveness of the preferred restoration action, including performance criteria, that will be used to determine the success of the restoration or need for interim site stabilization;
- 8. identify a process for public involvement in the selection of the restoration alternative to be implemented to restore the receiving waters to background conditions; and
- 9. provide a detailed estimate of the maximum probable costs required to complete a restoration action, given the size, location, and description of the quarry and the nature of the receiving waters. The maximum probable cost must be based on the

costs to an independent third party conducting the action without a financial interest or ownership in the quarry.

Section B. Certification of the Restoration Plan

Certification of the Restoration Plan must be provided by a licensed Texas professional engineer or a licensed Texas professional geoscientist within the appropriate area or discipline. Components of the Restoration Plan may be independently certified, as appropriate.

Section C. Permittee Responsibility

It is the responsibility of the permittee to initiate restoration activities in accordance with the developed Restoration Plan when impacts to receiving waters have occurred due to quarrying activities. The executive director reserves the right to require the permittee to initiate restoration actions, in addition to the permittee's responsibilities under the Restoration Plan.

Part V. Financial Assurance for Restoration

- 1. The applicant shall submit proof of financial assurance for restoration with the NOI.
- 2. Financial assurance must be established and maintained in accordance with 30 TAC Chapter 37, Subchapter W (relating to Financial Assurance for Quarries).
- 3. The amount of financial assurance required must be in an amount no less than the cost estimate in the Restoration Plan, as required by Part IV(A)(9) of this permit, that is approved by the executive director.
- 4. Financial assurance for restoration must be maintained until the executive director provides notification acknowledging the NOT.

Part VI. Pollution Prevention Plan (P3)

A P3 must be prepared and implemented that covers the entire quarry. The P3 must be submitted along with the NOI for review and approval by the executive director. Minimum contents of the P3 are as follows:

Section A. Pollution Prevention Team

1. Team Members and Responsibilities

The P3 must identify a specific individual or individuals at the quarry as members of a Pollution Prevention Team responsible for development, implementation, maintenance, and revision of the P3.

2. Employee Training

An employee training program must be developed to educate personnel responsible for implementing any component of the P3, or otherwise responsible for pollution prevention, with the provisions of the P3. The P3 must identify how often employee training will occur, but it must occur on an annual basis at a minimum. New employees must receive training prior to actively participating in quarrying activities.

Section B. Description of Potential Pollutant Sources

The P3 must provide a description of potential pollutant sources (activities and materials) that may reasonably be expected to affect the quality of discharges from the quarry. The following must be developed, at a minimum, in support of developing this description.

- 1. Site Map The permittee shall develop and submit a topographic map with the following identified:
 - (a) property boundaries and the area(s) where quarrying and mine construction, if applicable, will occur;
 - (b) outfall locations;
 - (c) the drainage area and direction of flow to the outfalls;
 - (d) surface waters (including wetlands) adjacent to and within one mile of the quarry's property boundaries;
 - (e) areas where soil disturbance will occur;
 - (f) areas that will not be disturbed;
 - (g) slopes for pre- and post- disturbed areas;
 - (h) locations of all major structural controls planned or in place;
 - (i) locations where stabilization practices are expected to be used;
 - (j) locations of materials, waste, overburden, or stockpiles;
 - (k) locations of equipment storage areas, material processing areas, and vehicle and equipment maintenance areas; and
 - (l) location of on site water wells and any off-site water wells within 500 feet of the property boundary.
- 2. Site Description A site description must be developed to include:
 - (a) a description of activities, potential pollutants and their sources at the quarry;
 - (b) a description of the intended schedule or sequence of quarry and construction activities if applicable, that will disturb soils;
 - (c) the number of acres of the entire quarry property and the total number of acres where quarrying and soil disturbance will occur;
 - (d) data describing the soil types; and
 - (e) anticipated quality of any discharge from the quarry.
- 3. Inventory of Exposed Materials An inventory must be developed listing materials handled at the site that may have contact with wastewater or may be exposed to stormwater.
- 4. Spills and Leaks The permittee shall develop, maintain, and update a list of significant spills and leaks of toxic or hazardous pollutants that occur in areas that may have contact with wastewater or be exposed to stormwater.

Section C. Measures and Controls

The P3 must include a description of management controls to regulate pollutants identified in the P3's Description of Potential Pollutant Sources, and a schedule for implementation of the measures and controls. This must include, at a minimum:

- 1. Good Housekeeping Good housekeeping measures must be developed and implemented to maintain the quarry in a clean, orderly manner.
 - (a) Vehicle and Equipment Storage and Maintenance Areas The storage of vehicles and equipment awaiting maintenance with actual or expected fluid leaks, and the areas where maintenance activities occur, must be confined to designated areas (delineated on the site map). The P3 must describe measures that prevent or minimize contamination of wastewater or stormwater from these areas. The permittee shall consider the use of drip pans under vehicles and equipment, indoor storage of vehicles and equipment, performing maintenance activities indoors, installation of berms or dikes in storage areas, cleaning pavement surface to remove oil and grease, proper handling and disposal methods for drained fluids, using dry cleanup methods for spills, collecting contaminated stormwater from these areas for disposal or additional treatment, and other equivalent measures.
 - (b) Fueling Areas The P3 must describe measures to prevent or minimize contamination of wastewater and stormwater from areas where fueling occurs. The facility must consider covering fueling areas, using dry cleanup methods for spills, collecting contaminated stormwater runoff for additional treatment, or other equivalent measures.
 - (c) Material Processing and Storage Areas Material processing and storage areas must be maintained in good condition to minimize pollutants in stormwater runoff. The P3 must describe measures that prevent or minimize contamination of wastewater and stormwater in material processing and storage areas. The permittee shall consider indoor storage of materials, minimizing run-on/runoff in these areas, dry cleanup methods for spills, minimizing the duration final product is kept on site prior to off-site transport, placement of waste and unusable product with overburden, and collecting contaminated wastewater and stormwater for additional treatment.
 - (d) Overburden Areas Overburden developed during quarry activities must be placed to minimize the amount of surface area exposed to rainfall, and where practicable be placed in previously quarried areas. Overburden must be returned to the quarry pit when quarrying has ceased in that area as soon as practicable to allow for stabilization activities to commence. Alternatively, where placing overburden into the quarry pit is undesirable, overburden may be used to grade the quarry area as soon as practicable to allow for stabilization activities to commence. In no case may overburden piles remain after quarry activities have ceased and stabilization is complete.
 - (e) Vehicle and Equipment Cleaning Areas The P3 must describe measures that prevent or minimize contamination of wastewater and stormwater from vehicle and equipment cleaning activities. The permittee shall consider performing these activities indoors, covering the activities, minimizing the volume of water used in cleaning activities, the frequency of cleaning activities, the types of

cleaning agents used in cleaning activities, and collecting contaminated stormwater and wastewater for additional treatment.

- (f) General Daily Activities On a daily basis, employees shall ensure all trash and other materials that have the potential to be transported off-site by wind or stormwater runoff, are collected and properly disposed.
- 2. Preventive Measures A preventive maintenance program must include routine inspection and maintenance of wastewater and stormwater management controls (including oil/water separators, catch basins, drip pans, berms, dikes, sedimentation ponds, and other similar controls) as well as inspecting and testing facility equipment and systems to discover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters and ensuring appropriate maintenance and performance of such equipment and systems.
- 3. Spill Prevention and Response Procedures Areas where potential spills can contribute pollutants to wastewater and stormwater must be identified in the P3. Procedures for cleaning up spills must be identified in the P3 and made available to the appropriate personnel.
- 4. Erosion and Sediment Controls
 - (a) Structural Controls
 - (i) The P3 must include a description of any structural control practices used to divert flows away from exposed soils, to limit the contact of stormwater with disturbed areas, or to lessen the off-site transport of eroded soils.
 - (ii) Erosion and sediment controls must be designed to retain sediment on site to the maximum extent practicable with consideration for local topography, soil types, and rainfall.
 - (iii) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the permittee shall replace or modify the control.
 - a. Runoff Control Runoff control berms are required to be constructed to direct runoff from quarrying activities into sedimentation ponds prior to discharge, and to prevent run-on from adjacent property. Berms must be covered with vegetation or impermeable material to prevent erosion and to prevent off-site runoff from becoming a source of pollution. Runoff from undisturbed areas of the property must be directed away from the sedimentation pond(s), and are not subject to effluent limitations in Part IX, Section A. As quarrying activities progress, berms may be removed and relocated to minimize entrance of runoff from stabilized areas of the quarry.
 - b. Runoff Retention and Treatment Sedimentation pond(s) are required to be constructed upgradient of each discharge point/outfall to allow for retention of sediment at the quarry. Sedimentation pond(s) must be designed with a minimum capacity to retain the volume of runoff resulting from 100% of the 25-year 24-hour storm event for that area, with an additional two feet reserved for freeboard. The capacity of the

sedimentation pond(s) must be increased should dry weather flows (e.g., vehicle wash water) be directed into these structures. This additional capacity must be calculated based on dry weather flows resulting from a 30-day period. Side slopes of the sedimentation pond(s) must be constructed with a minimum 3:1 width to height ratio. The final capacity of sedimentation pond(s) must be certified by a licensed Texas professional engineer. Calculations used to determine the sedimentation pond(s) capacities must be maintained in the P3.

 (iv) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.
 Remaining volume capacities must be determined on a quarterly basis and recorded in the P3.

In lieu of removing sediment from ponds, the permittee may construct additional retention capacity (i.e., new sedimentation ponds or expansion of existing sedimentation ponds).

- (v) If significant quantities of sediment escape the quarry or if notified by the executive director, accumulations must be removed in accordance with the Restoration Plan.
- (b) Stabilization Practices

The P3 must include a description of temporary and permanent erosion control and stabilization practices for the site, including a schedule of when the practices will be implemented. P3 plans must ensure that existing vegetation is preserved where it is possible.

- (i) Stabilization practices may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.
- (ii) The following records must be maintained and either attached to or referenced in the P3, and made readily available at the time of an on site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site:
 - (1) the dates when major grading activities occur;
 - (2) the dates when quarry activities temporarily or permanently cease on a portion of the site; and
 - (3) the dates when stabilization measures are initiated and completed.
- (iii)Stabilization measures must be initiated in portions of the site where quarry activities have temporarily or permanently ceased, and except as provided in (1) through (3) below, must be initiated no more than seven (7) days after quarrying has temporarily or permanently ceased.

- (1) Where the initiation of stabilization measures by the 7th day after quarrying has temporarily or permanently ceased is precluded by drought, snow cover, or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
- (2) Where quarrying on a portion of the site has temporarily ceased and quarrying activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of the site.
- (3) Where quarrying on a portion of the site has temporarily ceased and quarrying activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of the site.
- (c) Permanent Stormwater Controls.

A description of any measures that will be installed to control pollutants in stormwater discharges after quarry operations cease must be included in the P3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site.

(d) Other Controls.

Off-site vehicle tracking of sediments and the generation of dust must be minimized.

(e) Maintenance.

All erosion and sediment control measures and other protective measures identified in the P3 must be maintained in effective operating condition. If through inspections the permittee discovers that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of erosion and sediment controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. Documentation must be maintained in the P3 on all maintenance activities.

Section D. Inspections and Compliance Evaluations

- 1. Inspections of Erosion and Sediment Controls
 - (a) A member of the Pollution Prevention Team shall inspect disturbed areas of the quarry that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, all structural control measures for effectiveness and necessary maintenance, and locations where vehicles enter or exit the site for evidence of off-site sediment tracking. Inspections must occur at least once every seven (7) calendar days and must be documented in the P3.
 - (b) A member of the Pollution Prevention Team shall inspect all accessible outfalls, when discharges are occurring, to determine if erosion and sediment control measures are effective in preventing significant release of sediment. Additionally, a member of the Pollution Prevention Team shall observe the discharge route to determine if accumulation of sediment is occurring. These inspections must occur at a minimum frequency of once per month and must be

documented in the P3. Should no discharge occur during a calendar month, this requirement is waived.

- (c) A member of the Pollution Prevention Team shall observe and evaluate discharges from mine dewatering activities to ensure that appropriate controls addressing sediment and erosion are working properly to prevent the discharge of pollutants. These inspections must occur at least daily while dewatering activities are occurring. A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation and should contain, at a minimum, the following:
 - (i) the date of the observations and evaluation;
 - (ii) approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);
 - (iii) estimates of the rate (in millions of gallons per day) of discharge on the day of evaluation;
 - (iv) whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and
 - (v) major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
- (d) The P3 must be modified based on the results of inspections, and observations and evaluations, as necessary, to better control pollutants in runoff. Revisions to the P3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the P3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, changes must be implemented as soon as practicable.
- 2. Inspections of Equipment and Vehicle Maintenance and Storage Areas

A member of the Pollution Prevention Team shall inspect designated equipment and vehicle maintenance and storage areas at least on a quarterly basis and inspections must be documented in the P3. At a minimum, inspections must include areas where vehicles and equipment are stored awaiting maintenance, fueling areas, vehicle and equipment maintenance areas (both indoor and outdoor areas), and vehicle and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections.

3. Comprehensive Site Compliance Evaluation

- (a) A Texas licensed professional engineer or Texas licensed professional geoscientist shall conduct a comprehensive site compliance inspection/evaluation at an interval that is defined in the P3, but on a yearly basis at a minimum. The evaluation must include the following:
 - (i) A complete review of the P3 to determine compliance with inspection, record keeping, and other requirements established in this general permit;
 - (ii) A review of all discharge monitoring data to determine compliance with effluent limitations established in the general permit;
 - (iii) A determination of the remaining capacity of the sedimentation pond(s);
 - (iv) An evaluation of the conditions of the runoff control berms;
 - (v) A visual observation of the discharge outfall(s) and an assessment of the discharge route to determine if significant quantities of sediment have been released from the quarry;
 - (vi) An assessment of temporary and/or permanent stabilization efforts at the quarry; and
 - (vii) A review of restoration activities conducted in receiving waters, if applicable.
- (b) A report summarizing the scope of the comprehensive site compliance evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the P3, and actions taken in response to the findings of the evaluation must be completed and maintained as a part of the P3 for at least 3 years from the date of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify an incidence, and the report must be signed according to 30 TAC §305.128 (relating to Signatories to Reports).
- (c) The Comprehensive Site Compliance Evaluation may substitute for one of the required inspections delineated in Part VI. Section D.1. of this general permit.

Section E. Compliance with Permit Requirements

The P3 must specifically address how compliance with Permit Requirements listed in Part IX.A, Numeric Effluent Limitations; Part IX.B, Other Requirements; and Part IX.C, Additional Permit Requirements Applicable to On Site Dust Suppression, Soil Compaction, Irrigation, and Fire Protection will be achieved and maintained for the duration of the authorization.

Section F. Additional P3 Contents

The P3 must contain the following additional documents;

- 1. A copy of the signed NOI submitted to the executive director;
- 2. The acknowledgement certificate or other document received from the executive director identifying authorization has been granted;
- 3. If applicable, a copy of any NOC submitted to the executive director; and
- 4. Any other correspondence received from the executive director related to quarry operations.

Part VII. Revisions to the Restoration Plan, Proof of Financial Assurance for Restoration, and P3

Section A. Notice of Non-Compliance

The executive director may notify the permittee at any time that the Restoration Plan, proof of financial assurance for restoration, or P3 do not meet one or more of the minimum requirements of this general permit. Within 30 days after receiving such notification and identification of the provisions of the general permit that are not being met by the Restoration Plan, proof of financial assurance for restoration, or P3, the permittee shall make the required changes, and submit the revised Restoration Plan, proof of financial assurance for restoration plan, proof of financial assurance for restoration plan, proof of financial assurance for restoration.

Section B. Revisions of the Restoration Plan and /or P3

The permittee shall revise the Restoration Plan or P3 whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants, if the Restoration Plan or P3 proves to be ineffective in eliminating or significantly minimizing pollutants in the discharge from the quarry or if the cost estimate related to financial assurance increases.

Section C. Proof of Financial Assurance for Restoration

The permittee shall submit the revised Restoration Plan, proof of financial assurance for restoration, or P3 to the executive director for approval prior to implementation.

Part VIII. Stabilization Report

Section A. Reports

- 1. The permittee shall submit a final stabilization report with the NOT. The executive director will review and approve the final stabilization report along with the NOT.
- 2. The permittee shall continue to meet the requirements of this general permit until authorization under the general permit is terminated.
- 3. The permittee shall maintain financial assurance for Restoration until the executive director notifies the permittee in writing that authorization under this general permit has been terminated.

Section B. Final Stabilization Report Requirements:

The Final Stabilization Report must, at a minimum, demonstrate the following:

- 1. Vegetative Cover
 - (a) The permittee shall establish perennial vegetative cover in all areas except where ponds, highwalls, permanent structures, or paved areas exist.
 - (b) Perennial vegetative cover must be uniform (i.e., evenly distributed with no large bare areas) and have a density of at least 70% of the native background vegetative cover for the area.
- 2. Vehicle and Equipment Storage and Maintenance Areas

- (a) The permittee shall remove fluids from, and thoroughly clean all vehicles and equipment remaining on site.
- (b) All fuel and chemicals must be removed from maintenance areas.
- (c) Maintenance areas must be thoroughly cleaned and cleared. If maintenance areas are unpaved, these areas must have vegetative cover established as required by Part VIII.B (1) (above).
- 3. Structural Controls
 - (a) All temporary structural controls must be removed from the site.
 - (b) Remaining permanent structural controls must be adequate to manage remaining on site drainage.
- 4. Highwalls

The permittee shall demonstrate that all remaining highwalls are stable and safe.

5. Waste

All waste must be removed from the site and disposed of in accordance with applicable TCEQ rules.

6. The Final Stabilization Report must be signed and certified by a Texas licensed professional engineer or a Texas licensed professional geoscientist.

Section C. Investigation by Executive Director

The executive director may choose to conduct an investigation in addition to the review of the Final Stabilization Report, prior to terminating authorization under the general permit.

Part IX. Permit Requirements

Section A. Numeric Effluent Limitations

Eligible discharges of process wastewater, mine dewatering, and stormwater associated with industrial activity, construction stormwater, quarry stormwater, and certain non-stormwater discharges, must be collected according to the standard monitoring and reporting requirements in Part X.G of this general permit, and are subject to the following effluent limitations:

Table 1

Parameter	Daily Average Limitation	Sample Type	Monitoring Frequency
Flow	Report MGD (*1)	Estimate	1/day (*2)
Total Suspended Solids	45 mg/L (*3)	Grab	1/day (*2) (*4)

Table 2	
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Parameter	Standard Units Lower limit	Standard Units Upper limit	Sample Type	Monitoring Frequency
pH	6.0	9.0	Grab	1/day (*2) (*4)

(*1) Million Gallons per Day (MGD).

(*2) When discharging.

(*3) Milligram per Liter (mg/L).

(*4) Not applicable to discharges resulting from a rainfall event greater than the 25year, 24-hour rainfall event. Monitoring is required when discharges result from a rainfall event greater than the 25-year, 24-hour event, however, compliance with effluent limitations is not required.

Parameter	Daily Average	Daily Maximum	Sample	Monitoring		
rununcter	Limitation	Limitation	Туре	Frequency		
Arsenic, Total	0.1 mg/L	0.3 mg/L	Grab	1/year (*1)		
Barium, Total	1.0 mg/L	4.0 mg/L	Grab	1/year (*1)		
Cadmium, Total	0.05 mg/L	0.14 mg/L	Grab	1/year (*1)		
Chromium, Total	0.5 mg/L	5.0 mg/L	Grab	1/year (*1)		
Copper, Total	0.04 mg/L	0.09 mg/L	Grab	1/year (*1)		
Lead, Total	0.35 mg/L	0.75 mg/L	Grab	1/year (*1)		
Manganese, Total	1.0 mg/L	3.0 mg/L	Grab	1/year (*1)		
Mercury, Total	0.002 mg/L	0.004 mg/L	Grab	1/year (*1)		
Nickel, Total	1.0 mg/L	3.0 mg/L	Grab	1/year (*1)		
Selenium, Total	0.017 mg/L	0.036 mg/L	Grab	1/year (*1)		
Silver, Total	0.03 mg/L	0.05 mg/L	Grab	1/year (*1)		
Zinc, Total	0.31 mg/L	0.66 mg/L	Grab	1/year (*1)		
(*1) When	(1) When discharging					

Table 3: Numeric Limitations -	Segment Nos.	1205, 1206,	, and 1230.
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Parameter	Daily Average Limitation	Daily Maximum Limitation	Sample Type	Monitoring Frequency
Arsenic, Total	0.1 mg/L	0.3 mg/L	Grab	1/year (*1)
Barium, Total	1.0 mg/L	4.0 mg/L	Grab	1/year (*1)
Cadmium, Total	0.05 mg/L	0.11 mg/L	Grab	1/year (*1)
Chromium, Total	0.5 mg/L	5.0 mg/L	Grab	1/year (*1)
Copper, Total	0.04 mg/L	0.09 mg/L	Grab	1/year (*1)
Lead, Total	0.35 mg/L	0.75 mg/L	Grab	1/year (*1)
Manganese, Total	1.0 mg/L	3.0 mg/L	Grab	1/year (*1)
Mercury, Total	0.002 mg/L	0.004 mg/L	Grab	1/year (*1)
Nickel, Total	0.99 mg/L	2.09 mg/L	Grab	1/year (*1)
Selenium, Total	0.017 mg/L	0.036 mg/L	Grab	1/year (*1)
Silver, Total	0.03 mg/L	0.05 mg/L	Grab	1/year (*1)
Zinc, Total	0.31 mg/L	0.66 mg/L	Grab	1/year (*1)

 Table 4: Numeric Limitations - Stream Segment No. 1415

(*1) When discharging.

Sampling to determine compliance with effluent limitations must be conducted following the final treatment unit(s) (e.g., sedimentation pond) and prior to leaving quarry property. Sampling must be conducted during actual discharges.

Section B. Other Requirements

- 1. The permittee shall install a permanent rain gauge at the plant site and keep daily records of rainfall. Monitoring records must be retained on site, or be readily available for review by a TCEQ representative for a period of three years from the date of the record.
- 2. This general permit does not authorize the operation of, or discharge from a domestic sewage treatment facility. All domestic sewage must be disposed of by an on site domestic wastewater system authorized under 30 TAC Chapter 285 (relating to On Site Sewage Systems), or by other methods authorized by the commission.
- 3. Quarrying is prohibited within 500 feet of any on site or off-site water supply well, both public and private.
- 4. During quarrying activities, should an artificial penetration (e.g., drilled water well) be encountered, quarrying in that area must immediately cease, and the well must be plugged in accordance with 16 TAC Chapter 76. Documentation of well plugging must be maintained in the P3 and quarrying may commence following proper documentation.
- 5. If blasting is conducted at the quarry, the date and time of blasting must be recorded in the P3.
- 6. This general permit is applicable to quarrying activities only. If another industrial manufacturing activity is conducted at the quarry site (e.g., concrete production) authorization under an individual wastewater permit or another general permit is required.
- 7. New quarries applying for coverage under this general permit are not required to comply with either the effluent limitations under Part IX.A or the Erosion and Sediment Controls conditions under Part VI.C.4 during initial operations of the site to allow for excavation and construction of the sedimentation pond(s). During this time period, the permittee is prohibited from any sale, transfer, or processing (crushing or splitting) of aggregates. This initial time period must not exceed 180 days from the date of executive director approval of the NOI. All other terms and conditions of this general permit are applicable following NOI approval by the executive director.
- 8. This general permit may be reopened and amended, or permittees authorized under this general permit may be required to obtain authorization under an individual permit based on inspections and/or water quality sampling conducted in the water quality protection areas in accordance with TWC §26.555.
- 9. In addition to other conditions and requirements of this general permit, permittees authorized under this general permit are subject to compliance and enforcement provisions under TWC §§26.556 and 26.558.
- 10. In accordance with federal Construction and Development Point Source Category ELGs at 40 CFR Part 450:
 - (a) The permittee shall minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

- (b) Discharges of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials are prohibited under this general permit.
- (c) The permittee must control stormwater volume and velocity to reduce soil erosion to minimize pollutant discharges.

Section C. Additional Permit Requirements Applicable to On Site Dust Suppression, Soil Compaction, Irrigation, and Fire Protection

The following requirements are applicable to the use of process wastewater, mine dewatering, stormwater associated with industrial activity for on site dust suppression, soil compaction, irrigation, fire protection, construction stormwater, and certain non-stormwater discharges. These requirements are in addition to all other requirements outlined in this general permit.

- 1. Dust suppression, soil compaction, irrigation, and fire protection practices must be designed and managed so as to prevent runoff, ponding of effluent, contamination of ground and surface waters, and occurrence of nuisance conditions in the area.
- 2. Application of process wastewater, mine dewatering, and stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges for soil compaction and irrigation must be accomplished only when the area specified is not in use. This restriction does not apply to dust suppression activities. Using process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges for dust suppression, soil compaction, and irrigation with effluent must not occur during times when the ground is frozen, the ground has standing water, the ground is saturated, or within 24 hours of a rainfall event of 0.5 inches or greater during a 24-hour duration. Best management practices must be used to prevent off-site tracking of mud resulting from dust suppression activities.
- 3. Spray fixtures for dust suppression, soil compaction, irrigation, and fire protection systems must be designed so that they cannot be operated by unauthorized personnel.
- 4. Adequate signs must be erected stating that water used for dust suppression, soil compaction, irrigation, and fire protection systems are from a non-potable water supply. Such signs must consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "Do not drink the water" in both English and Spanish.

Section D. General Requirements

- 1. There must be no discharge of floating solids or visible foam other than in trace amounts, and no discharge of visible oil.
- 2. The discharge must not contain a concentration of taste or odor producing substances that 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 receiving waters, or otherwise interfere with reasonable uses of water in the state.
- 3. Solid wastes, including clean-up wastes, must be disposed of according to TCEQ rules and Texas Health and Safety Code Chapter 361.

- 4. The disposal of waste and wastewater must be done in such a manner as to prevent nuisance conditions.
- 5. Facilities that generate industrial solid wastes, as defined in 30 TAC §335.1, must comply with the provisions of 30 TAC Chapter 335 (relating to Industrial Solid Waste and Municipal Hazardous Waste). If the requirements of 30 TAC Chapter 335 do not apply, the solid wastes shall be disposed of in accordance with the Texas Health and Safety Code Chapter 361.
- 6. Air emissions for any regulated entity must comply with either 30 TAC §106.533 (relating to Remediation) or 30 TAC Chapter 116 (relating to Control of Air Pollution by Permits for New Construction or Modification), as appropriate.
- 7. The permittee shall provide the following noncompliance notifications:
 - (a) Any noncompliance that may endanger human health or safety, or the environment must be reported by the permittee to TCEQ. Report of such information must be provided orally or by facsimile transmission (FAX) to the TCEQ Dallas/Fort Worth (DFW) Regional Office (for facilities within the John Graves Scenic Riverway) or the TCEQ San Angelo Regional Office (for facilities within the Coke Stevenson Scenic Riverway) within 24 hours of becoming aware of the noncompliance. A written submission of such information must also be provided by the permittee to TCEQ at the address noted below within five working days of becoming aware of the noncompliance.

Texas Commission on Environmental Quality Region 4, Dallas/Fort Worth Office 2309 Gravel Dr. Fort Worth, Texas 76118-6951;

Or

Texas Commission on Environmental Quality Region 8, San Angelo Office 622 S Oakes, Ste K San Angelo TX 76903-7035;

and

Texas Commission on Environmental Quality Enforcement Division (MC-224) P.O. Box 13087 Austin, Texas 78711-3087.

The written submission must contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and to mitigate its adverse effects.

(b) In addition, any effluent violation that deviates from the permitted effluent limitation by more than 40% must be reported by the permittee in writing to the appropriate TCEQ Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance. (c) Any noncompliance other than that specified in paragraphs (a) and (b) above, or any required information not submitted or submitted incorrectly, must be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances must be reported on the approved discharge monitoring report (DMR) form.

Part X. Standard Permit Conditions

Section A. Duty to Comply

The permittee has a duty to comply with all conditions in this general permit. Failure to comply with any condition is a violation of the general permit and the statutes under which the general permit was issued. Any violation may be grounds for enforcement action, for terminating coverage under this general permit, or for requiring a permittee to apply for and obtain either a TPDES individual permit, or a TLAP.

Section B. Defense

It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted discharge to maintain compliance with conditions of the general permit.

Section C. Operation and Maintenance

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.

Section D. Information

The permittee shall furnish at the request of the executive director any information that is necessary to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. The requested information must be provided within a reasonable time frame and in no case later than 30 days from the date of the request.

Section E. Notice

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.

Section F. Inspections and entry

Inspections and entry must be allowed under TWC Chapters 26-28; THSC §§361.032, 361.033 and 361.037; and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a regulated entity must occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection is 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.

Section G. Standard Monitoring and Reporting Requirements

The standard monitoring and reporting requirements are as follows:

- 1. Samples must be collected, and measurements must be taken at times and in a manner so as to be representative of the monitored discharge;
- 2. All samples must be collected according to the latest edition of Standard Methods for the Examination of Water and Wastewater (prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation), EPA's Methods for Chemical Analysis of Water and Wastes (1983), or EPA's Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents (1973);
- 3. 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;
- 4. Sample containers, holding times, preservation methods, and analytical methods must either follow the requirements in 40 CFR Part 136 (as amended), or the latest edition of Standard Methods for the Examination of Water and Wastewater;
- 5. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge;
- 6. The sampling point must be downstream of any treatment unit or technique;
- 7. Monitoring results must be provided at the intervals specified in the permit and submitted electronically using the NetDMR reporting system available through the TCEQ website. The DMRs must be submitted on a monthly basis to TCEQ.

The self-report form for any given month is be due by the 20th day of the following month for each discharge that is described by this permit whether or not a discharge is made for the month. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part IX.D.7;

8. E-Reporting Requirement

Analytical results for determining compliance with effluent limitations must be submitted online using the NetDMR reporting system available through the TCEQ website, unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to TCEQ's Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1).

- 9. Applicants seeking authorization under this general permit and permittees that are authorized under this general permit are issued a waiver from the electronic reporting requirements of 40 CFR Part 127, for applications. Therefore, applicants and permittees may continue to submit the NOI, NOT, and NOC to TCEQ in paper format. Permittees must submit DMR forms online using the NetDMR reporting system available through the TCEQ website.
- 10. The permittee shall retain all records related to the application, monitoring, or certification for a period of three years from the date of termination of the

discharge. This period may be extended at the request of the executive director; and

- 11. records of monitoring activities must include:
 - (a) date, time, and place of sample or measurement;
 - (b) identity of individual who collected the sample or made the measurement;
 - (c) date of laboratory analysis;
 - (d) identity of the individual and laboratory who performed the analysis;
 - (e) the technique or method of analysis; and
 - (f) the results of the analysis or measurement.
- 12. Signatory Requirements for Reports and Certifications

All reports and certifications required in this permit or otherwise requested by the executive director must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

Section H. Requirements for All NOIs, NOTs, and NOCs

All NOIs, NOTs, and NOCs must meet the requirements of 30 TAC §305.44(a) (relating to Signatories to Applications). All reports requested by the executive director must meet the requirements of 30 TAC §305.128 (relating to Signatories to Reports).

Section I. Authorization

Authorization under this general permit may be suspended or revoked for the reasons stated in 30 TAC §205.4. Notifying TCEQ of planned changes or an anticipated noncompliance does not stay any general permit condition.

Section J. Non-Conveyance

This general permit does not convey any property rights of any sort, or any exclusive privilege.

Section K. Failure to Submit

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 on an NOC within 14 days of becoming aware of the information discrepancy.

Section L. Penalties

The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§7.051, 7.101, 7.148, and 7.149 for violations including, but not limited to, the following:

- 1. violating the 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);
- 2. intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this general permit; and

3. 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 general permit.

Part XI. Fees

Section A. Application Fee

An NOI must include a \$1,215 application fee. A fee is not required for submission of an NOT or NOC.

Section B. Annual Water Quality Fee

Facilities having an active authorization on September 1 of each year will be billed \$800 for the following fiscal year.

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXG500000 to authorize the discharges from quarries located greater than one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway and Coke Stevenson Scenic Riverway into surface water in the state.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711
Prepared by:	Stormwater Team Wastewater Permitting Section Water Quality Division Office of Water (512) 239-4671
Date:	October 14, 2024
Permit Action:	Renewal with Amendment of General Permit TXG500000

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I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing the renewal with amendments of TPDES general permit TXG500000 authorizing discharges of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges from quarries located greater than one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway or Coke Stevenson Scenic Riverway and outside of the 100-year floodplain. These water quality protection areas include (for the John Graves) that portion of the Brazos River Basin, and its contributing watershed, located downstream of the Morris Shepard Dam on the Possum Kingdom Reservoir in Palo Pinto County and extending to the county line between Parker and Hood Counties and (for the Coke Stevenson) the South Llano River and its contributing watershed in Kimble County, located upstream of the river's confluence with the North Llano River at the City of Junction.

This general permit has been developed to comply with Texas Water Code (TWC) Chapter 26, Subchapter M and 30 Texas Administrative Code (TAC) Chapter 311, Subchapter H resulting from the passage of Senate Bill (SB) 1354 of the 79th Legislative Session and House Bill (HB) 1688 of the 88th Legislative Session. Specifically, TWC §26.553(b) requires quarries located greater than one mile from a water body in the water quality protection areas to obtain a general permit authorization. The expiration date of this pilot program and rules is September 1, 2027.

II. Executive Director's Recommendation

The executive director has made a preliminary decision that this general permit, if issued, meets all statutory and regulatory requirements. It is proposed that the general permit be issued to expire five years from the effective date in accordance with the requirements of 30 TAC §205.5(a).

III. Permit Applicability

A. Discharges Eligible for Authorization

This general permit authorizes the discharge of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges from quarries located greater than one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway and the Coke Stevenson Scenic Riverway and outside of the 100-year floodplain. The permit specifies the facilities that may be authorized under this general permit and those that must be authorized by individual permit.

B. Limitations on Coverage

This general permit does not apply to:

- 1. A quarry located outside the water quality protection areas in the John Graves Scenic Riverway or the Coke Stevenson Scenic Riverway.
- 2. A quarry located within one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway or the Coke Stevenson Scenic Riverway or within the 100-year floodplain. Quarries located within one mile of the water bodies or within the 100-year floodplain are required to obtain an individual TPDES permit.
- 3. A quarry or associated processing plant located greater than one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway or the Coke Stevenson Scenic Riverway that mines clay and shale for use in manufacturing structural clay products.
- 4. A quarry or associated processing plant located greater than one mile from a water body within the water quality protection area in the John Graves Scenic Riverway that since or before January 1, 1994, has been in regular operation without cessation of operation for more than 30 consecutive days and under the same ownership.
- 5. The construction or operation of a municipal solid waste facility, regardless of whether the facility includes a pit or quarry that is associated with past quarrying.
- 6. Return flows from mining operations authorized by the U.S. Army Corps of Engineers under Title 33 Code of Federal Regulations (CFR) §323.2(d)(1)(iii).
- 7. Discharges that are regulated by the Railroad Commission of Texas.
- 8. The following discharges are not eligible for coverage under this general permit:
 - a. Discharges of the constituent(s) of concern to impaired water bodies for which there is a total maximum daily load (TMDL) implementation plan (I-Plan) are not eligible for this permit unless they are consistent with the approved TMDL and TMDL I-Plan. The executive director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual or other applicable general permit prior to discharging.
 - b. Discharges that do not maintain existing uses of receiving waters, as determined by the executive director.
 - c. 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.
 - d. Sites that are classified as unsatisfactory performers as required under 30 TAC §60.3(a)(3)(A)(i).

IV. Permit Effluent Limitations

A. Discharge Effluent Limitations

Effluent discharged under the authority of this general permit must meet the following effluent limitations as listed in Table 1 and Table 2. The classified segments listed below are defined in the Texas Surface Water Quality Standards (30 TAC Chapter 307, Appendix C).

Parameter	Daily Average Limitations	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Flow	Report MGD ¹	N/A	Estimate	One/day ²
Total Suspended Solids	45 mg/L^3	NA	Grab	One/day ^{2, 4}
рН	6.0-9.0 S.U.	N/A	Grab	One/day ^{2, 4}
Arsenic, Total	0.1 mg/L	0.3 mg/L	Grab	One/year ²
Barium, Total	1.0 mg/L	4.0 mg/L	Grab	One/year ²
Cadmium, Total	0.05 mg/L	0.14 mg/L	Grab	One/year ²
Chromium, Total	0.5 mg/L	5.0 mg/L	Grab	One/year ²
Copper, Total	0.04 mg/L	0.09 mg/L	Grab	One/year ²
Lead, Total	0.35 mg/L	0.75 mg/L	Grab	One/year ²
Manganese, Total	1.0 mg/L	3.0 mg/L	Grab	One/year ²
Mercury, Total	0.002 mg/L	0.004 mg/L	Grab	One/year ²
Nickel, Total	1.0 mg/L	3.0 mg/L	Grab	One/year ²
Selenium, Total	0.017 mg/L	0.036 mg/L	Grab	One/year ²
Silver, Total	0.03 mg/L	0.05 mg/L	Grab	One/year ²
Zinc, Total	0.31 mg/L	0.66 mg/L	Grab	One/year ²

Table 1 - Effluent Limits -Segment Nos. 1205, 1206, and 1230.

1. Million Gallons per Day (MGD)

2. When discharging.

3. Milligram per Liter (mg/L)

4. Not applicable to discharges resulting from a rainfall event greater than the 25-year, 24-hour rainfall event. Monitoring is required when discharges result

from a rainfall event greater than the 25-year, 24-hour event; however, compliance with effluent limitations is not required. Table 2 - Effluent Limits – Stream Segment No. 1415.

Parameter	Daily Average	Daily Maximum	Sample Type	Monitoring Frequency
	Limitations	Limitations		
Flow	Report MGD ¹	N/A	Estimate	One/day ²
Total Suspended Solids	45 mg/L ³	NA	Grab	One/day ^{2, 4}
pH	6.0-9.0 S.U.	N/A	Grab	One/day ^{2, 4}
Arsenic, Total	0.1 mg/L	0.3 mg/L	Grab	One/year ²
Barium, Total	1.0 mg/L	4.0 mg/L	Grab	One/year ²
Cadmium, Total	0.05 mg/L	0.11 mg/L	Grab	One/year ²
Chromium, Total	0.5 mg/L	5.0 mg/L	Grab	One/year ²
Copper, Total	0.04 mg/L	0.09 mg/L	Grab	One/year ²
Lead, Total	0.35 mg/L	0.75 mg/L	Grab	One/year ²
Manganese, Total	1.0 mg/L	3.0 mg/L	Grab	One/year ²
Mercury, Total	0.002 mg/L	0.004 mg/L	Grab	One/year ²
Nickel, Total	0.99 mg/L	2.09 mg/L	Grab	One/year ²
Selenium, Total	0.017 mg/L	0.036 mg/L	Grab	One/year ²
Silver, Total	0.03 mg/L	0.05 mg/L	Grab	One/year ²
Zinc, Total	0.31 mg/L	0.66 mg/L	Grab	One/year ²

1. Million Gallons per Day (MGD)

2. When discharging.

3. Milligram per Liter (mg/L)

4. Not applicable to discharges resulting from a rainfall event greater than the 25-year, 24-hour rainfall event. Monitoring is required when discharges result from a rainfall event greater than the 25-year, 24-hour event; however, compliance with effluent limitations is not required.

B. Best management practices (BMPs) and other non-numerical conditions/requirements

The following BMPs and other non-numerical conditions/requirements are included in the general permit:

- 1. Quarries authorized under this general permit must develop a pollution prevention plan (P3) that covers the entire quarry. The P3 is required to be submitted along with the Notice of Intent (NOI) for review and approval. Minimum contents of the P3 include establishing a pollution prevention team with associated training, a description of potential pollutant sources, a description of management controls to regulate pollutants in discharges (including good housekeeping measures, preventative measures, and spill prevention and response procedures), erosion and sediment controls (including structural controls, stabilization practices, permanent stormwater controls, other controls, and maintenance), and inspections and compliance evaluations.
- 2. Specifically, under the requirements of the P3, runoff control berms are required to be constructed to direct runoff from quarrying activities into sedimentation ponds prior to discharge.
- 3. Specifically, under the requirements of the P3, a sedimentation pond(s) is required to be constructed upgradient of each discharge point/outfall to allow for retention of the sediment at the quarry. A sedimentation pond(s) must be designed to retain the 25-year, 24-hour storm event.
- 4. Quarries authorized under this general permit must submit a restoration plan with the NOI. Minimum requirements of the restoration plan include identifying receiving waters at risk of unauthorized discharges, documenting background conditions of receiving waters, identifying potential environmental impacts to receiving waters from unauthorized discharges, identifying goals and objectives of potential restoration actions, identifying a range of restoration alternatives, monitoring of the effectiveness of restoration activities, identifying a process for public involvement in restoration activities, and providing cost estimates for restoration.
- 5. Quarries authorized under this general permit must submit proof of financial assurance for restoration with the NOI and maintain proof of financial assurance for restoration until the quarry operation is terminated and the site is restored according to the restoration plan.
- 6. Quarries authorized under this general permit must submit a final stabilization report with the Notice of Termination (NOT) when quarrying activities are completed.

V. Changes from Existing General Permit

1. Rulemaking and Implementation

Modified the permit title from "John Graves Scenic Riverway General Permit TXG500000" to "Quarries in Certain Water Quality Protection Areas General Permit TXG50000."

Added definition for "Coke Stevenson Scenic Riverway," and modified the definition of "Water Quality Protection Areas" to encompass the Coke Stevenson Scenic Riverway; and revised language to refer to "Water Quality Protection Areas" instead of only the "John Graves Scenic Riverway" throughout the general permit to implement necessary changes related to proposed rule changes in 30 TAC Chapter 311, Subchapter H as a result of HB 1688 from the Texas 88th Legislative Session. The definition for "Water Quality Protection Areas" is based on the definition of the term in both TWC §26.551 and 30 TAC §311.71.

2. General Permit Cover Page

Revised the cover page of the general permit to:

- a. Update the term "significant aquatic life use" with "minimal aquatic life use" as it is no longer part of the Texas Surface Water Quality Standards (TSWQS), Table 3, which details aquatic life use subcategories, minimal aquatic life use has been historically known as no significant aquatic life use, and
- b. Replace the language "...designated in the..." with "...identified in the..." to clarify that the permit also encompasses water bodies that are not designated in Appendix A or Appendix D of the 2022 TSWQS, per 30 TAC §307.10.

3. Part I. Definitions

In addition to the definition changes based on the above rulemaking implementation, the Discharge definition was revised similarly as the cover page of the general permit.

The definition for "Hyperchlorination of Waterlines" was removed as the term is not used in the permit.

The definition for "Quarry" was modified by removing the description of "responsible party" language that is included as a separate definition in the permit.

4. Part III. Permit Applicability and Coverage, Section A. Discharges Eligible for Authorization

Clarification was included in Part III. Permit Applicability and Coverage, Section A. Discharges Eligible for Authorization, that discharges from emergency fire-fighting activities are considered an allowable non-stormwater discharge for consistency with the TCEQ 2021 Multi-Sector General Permit (MSGP), 2023 Construction General Permit (CGP), and the 2022 U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) CGP.

5. Part III. Permit Applicability and Coverage, Section A-C

Modified permit applicability language in Part III to expand the permitting and financial assurance requirements for quarries to include the "Coke Stevenson Scenic Riverway" and to clarify that only quarries outside of the 100-year floodplain are eligible.

6. Part III. Permit Applicability and Coverage, Section B. Limitations on Permit Coverage

Permit language was modified in Part III.B.6. Aggregate Production Operations (APO) Registration Requirements to clarify that authorization under this general permit is separate from and does not fulfil the requirement for responsible parties who are primarily responsible for overall function and operation of a quarry, sand pit, gravel pit, or other aggregate production operation to register their APO with TCEQ's Occupational Licensing & Registration Division as per 30 TAC §342.25.

7. Part III. Permit Applicability and Coverage, Section D. Obtaining Coverage

Permit language was updated to expand on the minimum contents of the NOI to comply with federal electronic reporting requirements in Title 40 CFR Part 127.

8. Part III. Permit Applicability and Coverage, Section G. Permit Expiration

Updated the permit expiration language to reflect that this general permit and the authorization contained herein expire five years after the effective date or on the date of expiration of Texas Water Code Chapter 26, Subchapter M, whichever occurs first. Additionally included language explaining the need for operators to obtain alternative permit coverage once the Pilot Program expires mid-permit term on September 1, 2027.

9. Part VI. Pollution Prevention Plan (P3), Section C. Measures and Controls

Simplified the permit language by combining the first two stabilization measures language in Part VI.C.4.(b)(iii) into one.

10. Part VI. Pollution Prevention Plan (P3), Section D. Inspections and Compliance Evaluations

Modified the inspection schedule in Part VI, Section D. Inspections and Compliance Evaluations, 1. Inspections of Erosion and Sediment Controls, by increasing it from once per week to once per day for discharges from dewatering of trenches and excavations, and pumping or dewatering of standing water to be consistent with TCEQ's 2023 CGP.

11. Part IX. Permit Requirements, Section A. Numeric Effluent Limitations

Updated the permit language to clarify that the eligible discharges discussed in Part IX.A. are also subject to the standard monitoring requirements described in Part X.G of this general permit.

Revised Part IX, Section A. Numeric Effluent Limitations to incorporate updated segment numbers and limits based on the Texas Toxicity Modeling Program (TEXTOX) calculations for Segment Nos. 1205, 1206, 1230, and 1415 shown in Appendices 1-4 of this fact sheet.

Table 3 of the general permit was revised to establish limits for and incorporate Segment No. 1230 within the John Graves Scenic Riverway based on the February 2, 2024 memoranda from TCEQ's Water Quality Assessment Section.

Updated the daily average and daily maximum limitations for Segment Nos. 1205 and 1206 (Table 3) for Selenium were lowered from 0.02 mg/L to 0.017 mg/L and 0.04 mg/L to 0.036 mg/L, respectively; and the daily maximum limitation for Cadmium was lowered from 0.15 mg/L to 0.14 mg/L, for consistency with the updated TEXTOX analysis conducted and available in the appendices of this fact sheet.

A new Table 4 was added to the general permit to establish effluent limitations for discharges to Segment No. 1415 in the Coke Stevenson Scenic Riverway.

The calculations of the water quality limits in this general permit are derived from the TCEQ's TEXTOX spreadsheets and the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010). For this general permit, the TCEQ used the TEXTOX Menu 1 spreadsheet based on the direction in the memorandum from the TCEQ Water Quality Assessments Section. The TCEQ's TEXTOX Menu 1 spreadsheet was last revised following the EPA approval of

the 2014 Texas Surface Water Quality Standards (TSWQS). Water Quality Division staff reviews each TEXTOX menu spreadsheet for necessary updates following all subsequent EPA and TCEQ approved revisions to the TSWQS. The changes to the EPA approved 2018 TSWQS did not impact the numbers used in the TEXTOX Menu 1 spreadsheet so the 2014 TSWQS is the reference included.

12. Part IX, Permit Requirements, Section D. General Requirements

Updated language in the permit to distinguish which TCEQ Regional Office the permittee will report noncompliance that may endanger human health or safety, or the environment, respective to the site's location.

13. Minor Changes

Updating dates, grammar, capitalization, and modification of acronyms in the Table of Contents, definitions, and updating section headers to include the new general permit name that addresses the water quality protection areas.

VI. Addresses

Questions concerning this general permit should be directed to:

TCEQ Stormwater Team Leader Wastewater Permitting Section (MC-148) Water Quality Division P.O. Box 13087 Austin, TX 78711-3087 (512) 239-4671 <u>SWGP@tceq.texas.gov</u>

Comments regarding the proposed general permit during the public comment period must be submitted either by mail to the following address, by facsimile (fax) followed by mail, or electronically as described below (please refer to the public notice for official instructions):

<u>Electronically</u>: <u>https://www14.tceq.texas.gov/epic/eComment/</u>

<u>By Mail</u>: TCEQ, Office of the Chief Clerk (OCC) (MC-105) P.O. Box 13087 Austin, Texas 78711-3087

<u>By fax</u>: (512) 239-3311*

*Fax must be followed by hard copy in mail to OCC at address above within three days of fax date.

Questions Regarding Public Comments Should Be Directed to OCC: (512) 239-3300

VII. Legal Basis

- TWC, §26.553, which requires quarries located in a water quality protection area and located a distance greater than one mile from any water body to obtain a general permit;
- 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 authorize waste discharges by general permit.

VIII. Regulatory Background

The commission was given authority to issue general permits in place of authorizations by rule in TWC §26.040. 40 CFR §122.26(b)(14) and adopted by reference in 30 TAC §281.25, defines categories of industrial activities, including quarries that must obtain an NPDES authorization. Authorization to discharge stormwater associated with industrial activity was initially provided by EPA through issuance of the NPDES stormwater MSGP in 1995. TCEQ was provided authority to administer the NPDES program as the TPDES program on September 14, 1998, through a Memorandum of Agreement with EPA. TCEQ first reissued the MSGP as a TPDES general permit in 2001. Quarries are regulated under Sector J – Mineral Mining and Dressing. Senate Bill 1354 was passed during the 79th Legislative Session (2005) and TWC, Chapter 26 was amended to include Subchapter M (Water Quality Protection Areas) effective June 17, 2005. This section of the TWC requires quarries located greater than one mile from a water body to obtain general permit authorization and identifies specific requirements that are not included in TCEQ's MSGP. 30 TAC Chapter 311, Subchapter H was effective in 2006 and implements these revisions to the TWC.

House Bill (HB) 1688 was passed during the 88thLegislative Session (2023) and TWC, Chapter 26 Subchapter M (Water Quality Protection Areas) was amended and effective September 1, 2023. This section of the TWC expands the permitting and financial assurance requirements for quarries to the new Coke Stevenson Scenic Riverway water quality protection area, continues the requirements in the John Graves Scenic Riverway water quality protection area, and extends the expiration date of the pilot program to September 1, 2027. 30 TAC Chapter 311, Subchapter H became effective on July 18, 2024, and implements these revisions to the TWC from HB 1688.

The MSGP now specifically directs quarries located in the water quality protection area in the John Graves Scenic Riverway to obtain alternative permit authorization, either authorization under this general permit or an individual TPDES permit. The MSGP is

being amended, anticipate issuance mid-2025, to include the same permit requirements for quarries located in the Coke Stevenson Scenic Riverway water quality protection area.

IX. Permit Coverage

The purpose of this general permit is to regulate the surface discharges of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges into or adjacent to water in the state from quarries located greater than one mile from a water body within the water quality protection areas and outside of the 100-year floodplain.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI. This general permit also requires the submittal of technical documents for review and approval by the executive director, including a P3, proof of financial assurance, and a restoration plan.

- A. An existing quarry operating under the current general permit must submit an NOI within 90 days of issuance of this general permit to continue quarry activities. A new quarry must submit an NOI and obtain authorization prior to commencing quarry activities, including construction activities at the quarry location.
- 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 this general permit. Following review of the NOI, the executive director shall confirm coverage by providing a notification and an authorization number to the applicant, or notify the applicant that coverage under this general permit is denied. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) must provide a copy of the NOI to the operator of the MS4 at the same time an NOI is submitted to TCEQ.
- C. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner and operator must submit a NOT and the new owner and operator must submit a NOI and any other required documentation. The NOT and NOI must be submitted not later than 10 days before the change. Permittees discharging to a MS4 must submit a copy of the NOT to the operator of the MS4 at the same time the NOT is submitted to TCEQ.
- D. 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 must 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 (*e.g.*, telephone number or P.O. Box number) an NOC must be submitted within 14 days

after the change. Permittees discharging to a MS4 must submit a copy of any NOC to the operator of the MS4 at the same time the NOC is submitted to TCEQ.

X. Technology-Based Requirements

The limitations and conditions of the general permit were developed to comply with the technology-based standards of the Clean Water Act (CWA). Except for the construction and development of effluent limit guidelines (ELGs) and new source performance standards (NSPS) in 40 CFR Part 450, to control the discharge of pollutants from construction sites, there are currently no nationally applicable ELGs in 40 CFR Chapter I, Subchapter N that identifies the best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT) standards. National effluent limitation guidelines at 40 CFR Part 436, Subpart B (Crushed Stone Subcategory), Subpart C (Construction Sand and Gravel Subcategory), and Subpart D (Industrial Sand Subcategory) were considered when establishing technology-based limitations in this general permit. Technology-based effluent limitations included in this general permit are based on best professional judgement and rules included at 30 TAC §311.79 and §319.22. 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: 45 mg/L total suspended solids and between 6.0 to 9.0 Standard Units pH as established at 30 TAC §311.79. Additionally, technology-based limitations are included for arsenic, barium, cadmium, chromium, lead, manganese, and nickel as established at 30 TAC §319.22. These effluent limitations are economically achievable based on inclusion in current state regulations.

The general permit also includes a requirement for construction operators to comply with the federal construction and development ELGs outlined in 40 CFR §§450.21, 450.23, and 450.24. TCEQ adopted these guidelines by reference in 30 TAC §305.541. The BPT effluent limitations (40 CFR §450.21) and BCT effluent limitations (40 CFR §450.23) are narrative in nature and are achieved through the implementation of BMPs.

XI. Water Quality-Based Requirements

The Texas Surface Water Quality Standards at 30 TAC Chapter 307 state that "surface waters will not be toxic to man, or to terrestrial or aquatic life." The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards*, RG-194 (June 2010) 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 or stormwater that: (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 that threatens human health.

A review by TCEQ's Water Quality Standards Implementation Team determined that the proposed technology-based and water quality-based effluent limits in the permit are protective of water quality. The evaluation of instream monitoring data for standards

attainment shall include the effects of stormwater as described in 30 TAC §307.9. Implemented properly, the requirements and/or effluent limitations contained within the permit would provide substantial compliance with the Texas Surface Water Quality Standards as specified in 30 TAC §307.1-10. It has been preliminarily determined that where permit requirements, which may include best management practices, technology-based effluent limitations, and other permit requirements are properly implemented, no significant degradation is expected and existing uses of the receiving water bodies will be maintained and protected.

The daily average and daily maximum effluent limitations for aluminum, arsenic, cadmium, copper, lead, mercury, nickel, selenium, silver, and zinc were developed based on protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs. Chronic aquatic life and human health evaluation was not required based on the restriction of this general permit only applying to discharges greater than one mile from a water body, *e.g.*, discharges may only occur to intermittent streams and discharges would likely only occur during and following significant rainfall events. Water quality-based effluent limitations were evaluated for protection of receiving water bodies, Segment Nos. 1205, 1206, 1230 and 1415 of the Brazos River Basin and Colorado River Basin, the four classified segments that will potentially receive discharges authorized under this general permit.

Water quality-based effluent limitations for these ten metals are calculated in Appendices 1-4 of this fact sheet.

In order to achieve compliance with Texas Surface Water Quality Standards, permittees must meet the following narrative water quality requirements:

- 1. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- 2. 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 water in the state.

The discharges authorized under this general permit are not typically continuous flows and the limitations for pollutants of concern in the permit should preclude instream toxicity.

There are no TMDLs in the permit watersheds. Lake Granbury (Segment No. 1205), Brazos River Below Possum Kingdom Lake (Segment No. 1206), and Lake Palo Pinto (Segment No. 1230) are not currently identified as impaired on the *Texas Integrated Report of Surface Water Quality* or the 2022 CWA Section 303 (d) List (approved by EPA on July 7, 2022). Llano River (Segment No. 1415) is not currently identified as impaired on the *Texas Integrated Report of Surface Water Quality* or the 2022 CWA Section 303 (d) List (approved by EPA on July 7, 2022).

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 general permit has the following monitoring criteria:

- A. Permittee Responsibilities The permittee must ensure that properly trained and authorized personnel monitor and sample the discharge.
- B. Sampling Location The sampling point must be downstream of any treatment unit or treatment process.
- C. Sample Collection All samples must be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation), EPA's *Methods for Chemical Analysis of Water and Wastes* (1983), or EPA's *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).
- D. Sampling Sample containers, holding times, preservation methods, and analytical methods must either follow the requirements in 40 CFR Part 136 or the *Standard Methods for the Examination of Water and Wastewater*.
- E. Analytical results for determining compliance with effluent limitations must be submitted online using the NetDMR reporting system available through the TCEQ website, unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver must submit analytical results to TCEQ's Enforcement Division (MC-224) on an approved discharge monitoring report (DMR) form (EPA No. 3320-1) that is signed and certified as required by Part X.G.10 of the general permit. The analytical results must be submitted to TCEQ on a monthly basis. The self-report form for any given month is due by the 20th day of the following month for each discharge that is described by this permit, whether or not a discharge is made for the month. If noncompliance with a discharge limitation occurs, the permittee must provide notification according to Part IX.D.7 of the general permit.
- 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.

XIII. Additional Permit Conditions

Additional permit conditions are included in this general permit for the purpose of water quality protection and compliance with enacted legislation and associated revisions to the TWC and TAC applicable to quarries in the water quality protection areas.

A P3 is required to be developed and implemented by permittees authorized under this general permit. The P3 is structured similar to the stormwater pollution prevention plan (SWP3) required in the MSGP and the CGP, however the conditions in this general permit are tailored specifically to quarry operations in the water quality protection areas. Specific best management practices (BMPs) and structural controls are proposed as part of the P3 to address the prevention of unauthorized discharges and to retain sediment on site. Runoff control berms are required to be installed around the entire perimeter of the active quarry to direct stormwater runoff into sedimentation pond(s). The sedimentation pond(s) must be sized to capture the resulting runoff from the 25-year 24-hour storm event. These requirements should ensure that all runoff containing sediment and other pollutants will be controlled and treated to remove sediment prior to controlled releases into receiving waters and will assist in discharges complying with the total suspended solids and other effluent limitations in the general permit.

The general permit includes the requirement for permittees to develop a restoration plan that would be implemented should unauthorized discharges occur from the quarry that impact receiving waters. The restoration plan is required under TWC §26.553(f)(1) and 30 TAC § 311.76.

The general permit includes the requirement for permittees to maintain proof of financial assurance for restoration. This is required in TWC §26.553(f)(2) and 30 TAC §311.81(a) and Chapter 37, Subchapter W.

A final stabilization report is required to be submitted with the NOT for review and approval by the executive director. The purpose of the stabilization report is to ensure that the quarry location does not continue to be a source of pollution after quarrying activities have ceased and requires the permittee to maintain compliance with the conditions of the general permit until the plan is approved.

XIV. Procedures for Final Decision

The memorandum of agreement between the EPA and TCEQ (June 2020) provides that EPA has 90 days to comment, object, or make recommendations to the general permit before it is published in the *Texas Register*. According to 30 TAC Chapter 205, when the draft general permit is proposed, notice must be published, at a minimum, in a newspaper of general circulation. The executive director may also publish notice in one or more additional newspapers of statewide or regional circulation. Mailed notice must also be provided to the following:

- 1. The county judge of the county or counties in which the discharges under the general permit could be located;
- 2. if applicable, state and federal agencies for which notice is required in 40 CFR §124.10(c);
- 3. persons on a relevant mailing list kept under 30 TAC §39.407, relating to Mailing Lists; and
- 4. any other person the executive director or chief clerk may elect to include.

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

Any person, agency, or association may make a request for a public meeting on the proposed general permit to the executive director of TCEQ before the end of the public comment period. A public meeting will be granted when the executive director or commission determines, on the basis of requests that a significant degree of public interest in the draft general permit exists. A public meeting is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act. The executive director may call and conduct public meetings in response to public comment.

If the executive director calls a public meeting, the commission will give a minimum of 30 days public notice in the *Texas Register* of the date, time, and place of the meeting, as required by commission rules. The public notice for the draft general permit and for the public meeting(s) may be combined. The public comment is automatically extended until the conclusion of all public meetings on the draft general permit. The executive director shall prepare a response to all significant public comments on the draft general permit raised during the public comment period. The proposed general permit will then be filed with the commission to consider final authorization of the permit. The executive director's response to public comment will be made available to the public and filed with the chief clerk at least ten days before the commission acts on the proposed general permit.

Once the draft permit and response to comment are completed, they are sent to TCEQ's Office of the Chief Clerk. The draft permit is set on a Commission's agenda for adoption. For additional information about this general permit, contact the Stormwater Team at (512) 239-4671.

XV. Administrative Record

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

- A. 40 CFR Citations Parts 122, 124, 136, 436, and 450.
- B. TCEQ Rules:
 - 30 TAC Chapter 311, Subchapter H Regulation of Quarries in the John Graves Scenic Riverway
 - 30 TAC Chapter 37, Subchapter W Financial Assurance for Quarries
 - 30 TAC Chapters 39, 60, 205, 281, 305, 307, 309, 311, 319, 321, 331, and 335

- C. Letters/Memoranda/Records of Communication:
 - Memo from TCEQ's Water Quality Standards Implementation Team dated January 25, 2024.
 - Memo from TCEQ's Total Maximum Daily Load Team dated February 5, 2024.
 - Memo, Critical Conditions, from TCEQ's Water Quality Assessment Team dated February 2, 2024.
 - Memo, Modeling, from TCEQ's Water Quality Assessment Team dated March 15, 2024.

D. Permits

- TPDES General Permit TXR050000 Multi-Sector General Permit, effective August 14, 2021.
- TPDES General Permit TXR150000 Construction General Permit, effective March 5, 2023.
- TPDES General Permit TXR040000 Phase II Municipal Separate Storm Sewer System General Permit, effective December 13, 2019.
- E. Miscellaneous
 - Texas Surface Water Quality Standards, 30 TAC §§307.1 307.10.
 - Texas Water Code Chapter 26, Subchapter M.
 - *Procedures to Implement the Texas Surface Water Quality Standards*, TCEQ, RG-194, June 2010.

Appendix 1

TEXTOX MENU #1 Intermittent Stream

The water quality-based effluent limitations developed below are calculated using: Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life, *Procedures to Implement the Texas Surface Water Quality Standards*, Appendix D, Texas Commission on Environmental Quality, June 2010.

PERMIT INFORMATION

TPDES Permit No:	TXG500000
Permittee Name:	NA
Outfall No:	NA
Prepared By:	Macayla Coleman
Date:	February 2, 2024

Discharge Information

Intermittent Receiving Water Body: Lake Granbury Segment Numbers: 1205 (using the lowest TSS, pH, Hardness, and Chloride values)

Parameter	Value
TSS (mg/L)	4
pH (Standard Units)	7.9
Hardness (mg/L as CaCO3)	230
Chloride (mg/L)	893
Effluent Flow for Aquatic Life (MGD)	NA
Critical Low Flow [7Q2] (cfs):	0
Percent Effluent for Acute Aquatic Life	100

Table 3. CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE)

Stream/ River Metal	Intercept (b)	Slope (m)	Partition Coefficient (Kp)	Dissolved Fraction (Cd/Ct)		water Effect Ratio (WER)	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	173978.75	0.59		1	Assumed
Cadmium	6.60	-1.13	831136.22	0.23		1	Assumed
Chromium (Total)	6.52	-0.93	912187.69	0.22		1	Assumed
Chromium (+3)	6.52	-0.93	912187.69	0.22		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	375383.87	0.40		1	Assumed
Lead	6.45	-0.80	929719.64	0.21		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	222241.83	0.53		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Silver	6.38	-1.03	575278.59	0.30		1	Assumed
Zinc	6.10	-0.70	477043.53	0.34		1	Assumed

Table 4. AQUATIC LIFE

	FW Acute				Daily
	Criterion			Daily Avg.	Max.
Parameter	(ug/L)	WLAa	LTAa	(ug/L)	(ug/L)
Aldrin	3	3	1.72	2.52	5.34
Aluminum	991	991	568	834	1765
Arsenic	340	577	330	100	300
Cadmium	19.27503	83.4	47.8	50	140
Carbaryl	2	2	1.15	1.68	3.56
Chlordane	2.4	2.4	1.38	2.02	4.27
Chlorpyrifos	0.083	0.083	0.0476	0.0699	0.147
Chromium (+3)	1127.067	5239	3002	4413	9336.86
Chromium (+6)	15.7	15.7	9.00	13.2	27.9
Copper	31.12889	77.9	44.6	40	90
Cyanide	45.8	45.8	26.2	38.5	81.6
4,4'-DDT	1.1	1.1	0.630	0.926	1.96
Demeton	N/A	N/A	N/A	N/A	N/A
Diazinon	0.17	0.17	0.0974	0.143	0.302
Dicofol	59.3	59.3	34.0	49.9	105
Dieldrin	0.24	0.24	0.138	0.202	0.427
Diuron	210	210	120	176	374
Endosulfan I (alpha)	0.22	0.22	0.126	0.185	0.392
Endosulfan II (beta)	0.22	0.22	0.126	0.185	0.392
Endosulfan sulfate	0.22	0.22	0.126	0.185	0.392
Endrin	0.086	0.086	0.0493	0.0724	0.153
Guthion	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.52	0.52	0.298	0.438	0.926
Hexachlorocyclohexane (Lindane)	1.126	1.13	0.645	0.948	2.00
Lead	157.8515	745	427	350	750
Malathion	N/A	N/A	N/A	N/A	N/A
Mercury	2.4	2.4	1.38	2	4
Methoxychlor	N/A	N/A	N/A	N/A	N/A
Mirex	N/A	N/A	N/A	N/A	N/A
Nickel	947.2974	1789	1025	1000	3000
Nonylphenol	28	28	16.0	23.5	49.8
Parathion (ethyl)	0.065	0.065	0.0372	0.055	0.115
Pentachlorophenol	21.553	21.6	12.3	18.1	38.4
Phenanthrene	30	30	17.2	25.2	53.4
Polychlorinated Biphenyls (PCBs)	2	2	1.15	1.68	3.56
Selenium	20	20	11.5	16.8	35.6
Silver (free ion)	0.8	29.4	16.8	24.7	52.4
Toxaphene	0.78	0.78	0.447	0.657	1.38
Tributyltin (TBT)	0.13	0.13	0.0745	0.109	0.231
2,4,5 Trichlorophenol	136	136	77.9	114	242
Zinc	237.327	690	395	310	660

Appendix 2

TEXTOX MENU #1 Intermittent Stream

The water quality-based effluent limitations developed below are calculated using: Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life, *Procedures to Implement the Texas Surface Water Quality Standards*, Appendix D, Texas Commission on Environmental Quality, June 2010.

PERMIT INFORMATION

TXG500000
NA
NA
Macayla Coleman
February 2, 2024

Discharge Information

Intermittent Receiving Water Body: Brazos River below Possum Kingdom Lake Segment Numbers: 1206 (using the lowest TSS, pH, Hardness, and Chloride values)

Parameter	Value
TSS (mg/L)	7
pH (Standard Units)	7.8
Hardness (mg/L as CaCO3)	230
Chloride (mg/L)	692
Effluent Flow for Aquatic Life (MGD)	NA
Critical Low Flow [7Q2] (cfs):	0
Percent Effluent for Acute Aquatic Life	100

Table 5. CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE)

			Partition	Dissolved		Water Effect	
Stream/	Intercept	Slope	Coefficient	Fraction		Ratio	
River Metal	(b)	(m)	(Kp)	(<i>Cd/Ct</i>)		(WER)	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	115632.1	0.55		1	Assumed
Cadmium	6.60	-1.13	441610.3	0.24		1	Assumed
Chromium (Total)	6.52	-0.93	542074.3	0.21		1	Assumed
Chromium (+3)	6.52	-0.93	542074.3	0.21		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	248100.4	0.37		1	Assumed
Lead	6.45	-0.80	594184.8	0.19		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	161545.2	0.47		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Silver	6.38	-1.03	323257.8	0.31		1	Assumed
Zinc	6.10	-0.70	322426.98	0.31		1	Assumed

Table 6. AQUATIC LIFE

FW Acute Daily Avg. Ma Criterion Daily Avg. Ma Parameter (ug/L) WLAa LTAa (ug/L) (ug Aldrin 3 3 1.72 2.52 1.00	aily lax. g/L) 5.34 1765 300 140 3 56
CriterionDaily Avg.MaParameter(ug/L)WLAaLTAa(ug/L)(ugAldrin331.722.52Aluminum991991568834Arsenic340615353100	<i>lax.</i> <u>g/L)</u> 5.34 1765 300 140 3.56
Parameter(ug/L)WLAaLTAa(ug/L)(ugAldrin331.722.52Aluminum991991568834Arsenic340615353100	<u>g/L)</u> 5.34 1765 300 140 3.56
Aldrin331.722.52Aluminum991991568834Arsenic340615353100	5.34 1765 300 140 3 56
Aluminum991991568834Arsenic340615353100	$1765 \\ 300 \\ 140 \\ 3.56$
Arsenic 340 615 353 100	300 140 3 56
	140
Cadmium 19.27503 78.9 45.2 50	3 56
Carbaryl 2 2 1.15 1.68	5.50
Chlordane 2.4 2.4 1.38 2.02	4.27
Chlorpyrifos 0.083 0.0830 0.0476 0.0699 0	0.147
Chromium (+3) 1127.067 5404 3096 4551	9629
Chromium (+6) 15.7 15.7 9.00 13.2	27.9
Copper 31.12889 85.2 48.8 40	90
Cyanide 45.8 45.8 26.2 38.5	81.6
4,4'-DDT 1.1 1.10 0.630 0.926	1.96
Demeton N/A N/A N/A N/A	N/A
Diazinon 0.17 0.170 0.0974 0.143 (0.302
Dicofol 59.3 59.3 34.0 49.9	105
Dieldrin 0.24 0.240 0.138 0.202 (0.427
Diuron 210 210 120 176	374
Endosulfan I (alpha) 0.22 0.220 0.126 0.185 (0.392
Endosulfan II (beta) 0.22 0.220 0.126 0.185 (0.392
Endosulfan sulfate 0.22 0.220 0.126 0.185 (0.392
Endrin 0.086 0.0860 0.0493 0.0724 0	0.153
Guthion N/A N/A N/A N/A	N/A
Heptachlor 0.52 0.520 0.298 0.438 (0.926
Hexachlorocyclohexane (Lindane) 1.126 1.13 0.645 0.948	2
Lead 157.8515 814 467 350	750
Malathion N/A N/A N/A N/A	N/A
Mercury 2.4 2.40 1.38 2	4
Methoxychlor N/A N/A N/A N/A	N/A
Mirex N/A N/A N/A N/A	N/A
Nickel 947.2974 2019 1157 1000	3000
Nonylphenol 28 28 16 23.5	49.8
Parathion (ethyl) 0.065 0.0650 0.0372 0.0547 (0.115
Pentachlorophenol 19.49192 19.5 11.2 16.4	34.7
Phenanthrene 30 30 17.2 25.2	53.4
Polychlorinated Biphenyls (PCBs) 2 2 1.15 1.68	3.56
Selenium 20 20 11.5 16.8	35.6
Silver (free ion) 0.8 29.1 16.7 24.4	51.7
Toxaphene 0.78 0.78 0.447 0.657	1.38
Tributyltin (TBT) 0.13 0.13 0.0745 0.109 (0.231
2.4.5 Trichlorophenol 136 136 77.9 114	242
Zinc 237.327 773 443 310	660

Appendix 3

TEXTOX MENU #1 Intermittent Stream

The water quality-based effluent limitations developed below are calculated using: Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life, *Procedures to Implement the Texas Surface Water Quality Standards*, Appendix D, Texas Commission on Environmental Quality, June 2010.

PERMIT INFORMATION

TPDES Permit No:	TXG500000
Permittee Name:	NA
Outfall No:	NA
Prepared By:	Macayla Coleman
Date:	February 2, 2024

Discharge Information

Intermittent Receiving Water Body: Lake Palo Pinto Segment Numbers: 1230 (using the lowest TSS, pH, Hardness, and Chloride values)

Parameter	Value
TSS (mg/L)	5
pH (Standard Units)	8
Hardness (mg/L as CaCO3)	230
Chloride (mg/L)	39
Effluent Flow for Aquatic Life (MGD)	NA
Critical Low Flow [7Q2] (cfs):	0
Percent Effluent for Acute Aquatic Life	100

Table 7. CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE)

Stream/ River Metal	Intercept (b)	Slope (m)	Partition Coefficient (Kp)	Dissolved Fraction (Cd/Ct)		water Effect Ratio (WER)	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	147826.36	0.58		1	Assumed
Cadmium	6.60	-1.13	645897.93	0.24		1	Assumed
Chromium (Total)	6.52	-0.93	741238.38	0.21		1	Assumed
Chromium (+3)	6.52	-0.93	741238.38	0.21		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	318245.45	0.39		1	Assumed
Lead	6.45	-0.80	777721.31	0.21		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	195698.32	0.51		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Silver	6.38	-1.03	457152.29	0.30		1	Assumed
Zinc	6.10	-0.70	408057.15	0.33		1	Assumed

Table 8. AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS							
	FW Acute				Daily		
	Criterion			Daily Avg.	Max.		
Parameter	(ug/L)	WLAa	LTAa	(ug/L)	(ug/L)		
Aldrin	3	3	1.72	2.52	5.34		
Aluminum	991	991	568	834	1765		
Arsenic	340	591	339	100	300		
Cadmium	19.27503	81.5	46.7	50	140		
Carbaryl	2	2	1.15	1.68	3.56		
Chlordane	2.4	2.4	1.38	2.02	4.27		
Chlorpyrifos	0.083	0.0830	0.0476	0.0699	0.147		
Chromium (+3)	1127.067	5304	3039	4467	9452		
Chromium (+6)	15.7	15.7	9	13.2	27.9		
Copper	31.12889	80.7	46.2	40	90		
Cyanide	45.8	45.8	26.2	38.5	81.6		
4,4'-DDT	1.1	1.1	0.63	0.926	1.96		
Demeton	N/A	N/A	N/A	N/A	N/A		
Diazinon	0.17	0.17	0.0974	0.143	0.302		
Dicofol	59.3	59.3	34	49.9	105		
Dieldrin	0.24	0.240	0.138	0.202	0.427		
Diuron	210	210	120	176	374		
Endosulfan I (alpha)	0.22	0.22	0.126	0.185	0.392		
Endosulfan II (beta)	0.22	0.22	0.126	0.185	0.392		
Endosulfan sulfate	0.22	0.22	0.126	0.185	0.392		
Endrin	0.086	0.086	0.0493	0.0724	0.153		
Guthion	N/A	N/A	N/A	N/A	N/A		
Heptachlor	0.52	0.520	0.298	0.438	0.926		
Hexachlorocyclohexane (Lindane)	1.126	1.13	0.645	0.948	2		
Lead	157.8515	772	442	350	750		
Malathion	N/A	N/A	N/A	N/A	N/A		
Mercury	2.4	2.4	1.38	2	4		
Methoxychlor	N/A	N/A	N/A	N/A	N/A		
Mirex	N/A	N/A	N/A	N/A	N/A		
Nickel	947.2974	1874	1074	1000	3000		
Nonylphenol	28	28	16	23.5	49.8		
Parathion (ethyl)	0.065	0.065	0.0372	0.0547	0.115		
Pentachlorophenol	23.8313	23.8	13.7	20	42.4		
Phenanthrene	30	30	17.2	25.2	53.4		
Polychlorinated Biphenyls (PCBs)	2	2	1.15	1.68	3.56		
Selenium	20	20	11.5	16.8	35.6		
Silver (free ion)	0.8	9.24	5.29	7.78	16.4		
Toxaphene	0.78	0.78	0.447	0.657	1.38		
Tributyltin (TBT)	0.13	0.13	0.0745	0.109	0.231		
2,4,5 Trichlorophenol	136	136	77.9	114	242		
Zinc	237.327	722	413	310	660		

Appendix 4

TEXTOX MENU #1 Intermittent Stream

The water quality-based effluent limitations developed below are calculated using: Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life, *Procedures to Implement the Texas Surface Water Quality Standards*, Appendix D, Texas Commission on Environmental Quality, June 2010.

PERMIT INFORMATION

TXG500000
NA
NA
Macayla Coleman
February 2, 2024

Discharge Information

Intermittent Receiving Water Body: Llano River Segment Numbers: 1415 (using the lowest TSS, pH, Hardness, and Chloride values)

Parameter	Value
TSS (mg/L)	2
pH (Standard Units)	7.9
Hardness (mg/L as CaCO3)	163
Chloride (mg/L)	21
Effluent Flow for Aquatic Life (MGD)	NA
Critical Low Flow [7Q2] (cfs):	0
Percent Effluent for Acute Aquatic Life	100

Table 9. CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE)

Stream/	Intercept	Slope	Partition Coefficient	Dissolved Fraction		Water Effect Ratio	
River Metai	<u>(D)</u>	(m)	<u>(Kp)</u>	(Ca/Cl)	A 1	(WER)	. 1
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	288567.96	0.63		1	Assumed
Cadmium	6.60	-1.13	1819014.27	0.22		1	Assumed
Chromium (Total)	6.52	-0.93	1737969.31	0.22		1	Assumed
Chromium (+3)	6.52	-0.93	1737969.31	0.22		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	626957.07	0.44		1	Assumed
Lead	6.45	-0.80	1618735.92	0.24		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	329923.24	0.60		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Silver	6.38	-1.03	1174732.83	0.30		1	Assumed
Zinc	6.10	-0.70	774959.49	0.39		1	Assumed

Table 10. AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS							
	FW Acute				Daily		
Parameter	Criterion (ua/I)	WIAa	ΙΤΔα	Daily Avg. (ua/I)	Мах. (µа/I)		
Aldrin	3	3	1 72	2.52	5.34		
Aluminum	991	991	568	834	1765		
Arsenic	340	536	307	100	300		
Cadmium	13.7975	64	36.7	50	114		
Carbarvl	2	2	1.15	1.68	3.56		
Chlordane	2.4	2.4	1.38	2.02	4.27		
Chlorpyrifos	0.083	0.0830	0.0476	0.0699	0.147		
Chromium (+3)	850.112	3805	2180	3205	6780		
Chromium (+6)	15.7	15.7	9	13.2	27.9		
Copper	22.5044	50.7	29.1	40	90		
Cyanide	45.8	45.8	26.2	38.5	81.6		
4,4'-DDT	1.1	1.1	0.63	0.926	1.96		
Demeton	N/A	N/A	N/A	N/A	N/A		
Diazinon	0.17	0.17	0.0974	0.143	0.302		
Dicofol	59.3	59.3	34	49.9	105		
Dieldrin	0.24	0.240	0.138	0.202	0.427		
Diuron	210	210	120	176	374		
Endosulfan I (alpha)	0.22	0.22	0.126	0.185	0.392		
Endosulfan II (beta)	0.22	0.22	0.126	0.185	0.392		
Endosulfan sulfate	0.22	0.22	0.126	0.185	0.392		
Endrin	0.086	0.086	0.0493	0.0724	0.153		
Guthion	N/A	N/A	N/A	N/A	N/A		
Heptachlor	0.52	0.52	0.298	0.438	0.926		
Hexachlorocyclohexane (Lindane)	1.126	1.13	0.645	0.948	2.00		
Lead	109.462	464	266	350	750		
Malathion	N/A	N/A	N/A	N/A	N/A		
Mercury	2.4	2.4	1.38	2	4		
Methoxychlor	N/A	N/A	N/A	N/A	N/A		
Mirex	N/A	N/A	N/A	N/A	N/A		
Nickel	707.906	1175	673	989	2093		
Nonylphenol	28	28	16	23.5	49.8		
Parathion (ethyl)	0.065	0.065	0.0372	0.0547	0.115		
Pentachlorophenol	21.5527	21.6	12.3	18.1	38.4		
Phenanthrene	30	30	17.2	25.2	53.4		
Polychlorinated Biphenyls (PCBs)	2	2	1.15	1.68	3.56		
Selenium	20	20	11.5	16.8	35.6		
Silver (free ion)	0.8	5.96	3.42	5.02	10.6		
Toxaphene	0.78	0.78	0.447	0.657	1.38		
Tributyltin (TBT)	0.13	0.13	0.0745	0.109	0.231		
2,4,5 Trichlorophenol	136	136	77.9	114	242		
Zinc	177.2727	452	259	310	660		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



A RESOLUTION in t

in the matter of a Renewal with Amendment of a Texas Pollutant Discharge Elimination System General Permit Authorizing Discharges from Quarries Located Greater Than One Mile from a Water Body Within the Water Quality Protection Areas in the John Graves Scenic Riverway and the Coke Stevenson Scenic Riverway; General Permit No. TXG500000; TCEQ Docket No. 2024-1123-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, 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, TCEQ has the authority to issue a general permit to authorize the discharge of waste into or adjacent to water in the state;

WHEREAS, under TWC § 26.553, TCEQ has the authority to issue a general permit to authorize discharges into or adjacent to water in the state for any quarry located in a water quality protection area and located a distance greater than one mile from any water body;

WHEREAS, the renewal with amendment of general permit No. TXG500000 authorizing the discharges of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain nonstormwater discharges from quarries located greater than one mile from a water body within the water quality protection areas in the John Graves Scenic Riverway and the Coke Stevenson Scenic Riverway, was drafted and proposed by the Executive Director and is attached as Exhibit A;

WHEREAS, 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 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 January 16, 2025 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

Jon Niermann, Chairman

Date Signed