

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

AGENDA REQUESTED: March 13, 2025

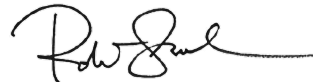
DATE OF REQUEST: February 21, 2025

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

CAPTION: Docket No. 2024-1622-MIS. Consideration of the adoption of the renewal of the Texas Pollutant Discharge Elimination System Hydrostatic Test Water General Permit, TXG670000, which authorizes the discharge of hydrostatic test water from new vessels; vessels which contained raw water, potable water, or elemental gases; or vessels which contained petroleum substances or waste related to petroleum substances. Public notice of the proposed general permit was published in the November 8, 2024 issue of the *Texas Register* (49 TexReg 9056). (Shannon Gibson, Allie Soileau) (Non-Rule Project No. 2024-022-OTH-NR)



Director



Deputy Director

Gwen Ricco

Agenda Coordinator

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners

Date: February 21, 2025

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

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

Docket No.: 2024-1622-MIS

Subject: General Permit: Commission Approval for Adoption
Renewal of General Permit No. TXG670000
Project Number: 2024-022-OTH-NR

Summary and background:

This is a renewal of the existing Texas Pollutant Discharge Elimination System (TPDES) general permit that authorizes the discharge of hydrostatic test water from new vessels; vessels which contained raw water, potable water, or elemental gases; or vessels which contained petroleum substances or waste related to petroleum substances. The renewal will replace the current permit when it expires on April 5, 2025.

Basic requirements:

A. Applicability

TPDES General Permit No. TXG670000 regulates the discharge of hydrostatic test water from new vessels; vessels that contained raw water, potable water, or elemental gases; or vessels that contained petroleum substances or waste related to petroleum substances.

B. Permit Requirements

Applicants must submit a Notice of Intent (NOI), to the Texas Commission on Environmental Quality (TCEQ or commission) for discharges from vessels which contained petroleum substances. Provisional coverage will begin 48-hours after the postmark date. No NOI is required for discharges from new vessels, vessels that contained raw water, potable water, or elemental gases.

Discharge of test water from vessels that contained petroleum substances are subject to numeric limitations for total petroleum hydrocarbons, total lead, benzene, total BTEX (benzene, toluene, ethylbenzene, and xylenes), and pH. Vessels that contained hyperchlorinated water are subject to a chlorine residual limit. Limitations are continued from the existing permit.

C. Fees

The existing NOI application fee is \$400, and the annual Water Quality fee is \$100. A fee is not required for submission of a waiver application.

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Number of current/expected authorizations:

Currently, there are 105 facilities authorized under the existing general permit by NOI submittal. A significant number of additional NOIs are not anticipated.

Proposed changes from the current permit:

1. Modify the definition of Land Application to specify, "...that uses the hydrostatic test water to ~~[either condition the soil or fertilize crops or]~~ beneficially irrigate actively growing vegetation...", because the hydrostatic test water authorized for land application under this draft general permit would not contain organic materials or nutrients that would condition soil or fertilize crops.
2. Revise Part II, Section A.4 to remove footnote 2. On January 15, 2021, TCEQ received delegation from EPA to regulate discharges of hydrostatic test water into water in the state from crude oil and natural gas exploration, development, and production operations, and the provision is no longer necessary. The subsequent footnote has been renumbered.
3. Revise Part II, Section B.6 to specify home-rule municipality as established in 'Texas statute' instead of the specific rule to ensure flexibility to accommodate future rule and citation changes.
4. Remove the option for FAX notification under Part III, Section B.9.a, for consistency with 30 TAC §305.125(9), Standard Permit Conditions.
5. Update to Part III, Section B.9 and Part III, Section C.7 to reference 30 TAC Chapter 330, Municipal Solid Waste and 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, in lieu of Texas Health and Safety Code Chapter 361, Solid Waste Disposal.
6. Revise Part III, Section C to include new item 4 regarding prohibitions for land application of hydrostatic test water from existing vessels that previously contained petroleum substances or natural gas substances. These prohibitions are necessary because the hydrostatic test water from vessels that previously contained petroleum substances, natural gas substances, or waste related to those substances may contain constituents that could cause groundwater contamination, issues to surface water from excess runoff, or human health concerns, and include the following:
 - a. land application shall only occur on non-public access land;
 - b. land application shall not occur on food crops for human consumption;
 - c. land application shall not occur on fallow land;
 - d. hydrostatic test water shall not be land applied within 100 feet of any surface water in the state; and
 - e. hydrostatic test water shall not be land applied to soils when groundwater is within 4 feet of the ground surface.Subsequent requirements have been renumbered.
7. Revise Part IV.7.f to clarify reporting and signature requirements for annual tests.
8. Revise Part IV.8 to clarify signature requirements for reports.

Stakeholder involvement:

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

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

EPA Review:

On June 19, 2024, the draft permit was sent to the EPA for their review. EPA provided informal comments to obtain clarification on September 11, 2024. The comments were addressed, and a revised draft permit and fact sheet sent in response on September 12, 2024. On September 19, 2024, the TCEQ received a no objection letter from the EPA with approval to proceed with the issuance of the draft general permit.

Public comment:

A public notice was published in the *Texas Register* and *Houston Chronicle* on November 8, 2024. A hybrid virtual and in-person public meeting was held at TCEQ on December 9, 2024. The meeting was attended by 1 stakeholder. No formal comments/letters were submitted. The public comment period ended on December 9, 2024.

Potential controversial concerns and legislative interest:

Legislative interest or issues from the general public are not anticipated.

Effect on the:

A. Regulated community:

This permit action is not expected to have a significant effect on the regulated community. However, existing permittees must submit a new NOI under the reissued permit to renew their authorization.

B. Public:

There are no expected impacts to the public.

C. Agency programs:

The number of newly regulated entities authorized under this general permit is not expected to increase significantly. Expected impacts to the workload associated with reviewing and processing these additional NOIs is minimal since applications are submitted electronically using the TCEQ's online STEERS ePermits system

Key dates in the proposed general permit schedule:

Published notice in *Texas Register* and newspaper: November 8, 2024.

Public comment period ended: December 9, 2024.

Scheduled Commission Agenda Date: March 13, 2025

Statutory authority:

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

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- TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state; and
- TWC, §26.040, which provides the commission with authority to amend rules to authorize waste discharges by general permit.
- TWC, §26.131, which transfers the Texas Railroad Commission's responsibilities to TCEQ relating to regulation of discharges into surface water in the state of produced water, hydrostatic test water, and gas plant effluent resulting from the exploration, production and development of oil, natural gas, or geothermal resources.

Agency Contacts:

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

Allie Soileau, Staff Attorney, Environmental Law Division, (512)239-6033

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

Attachments: Draft Permit and Fact Sheet

cc: Chief Clerk, 7 copies

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXG670000 to discharge hydrostatic test water into or adjacent to water in the state.

Issuing Office: Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Prepared by: Shannon Gibson
Wastewater Permitting Section
Water Quality Division

Date: May 13, 2024

Permit Action: Renewal

I. Summary

The Texas Commission on Environmental Quality (TCEQ or commission) is proposing to renew a Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing discharges resulting from the hydrostatic testing of vessels (pipelines, tanks, and other containers). The general permit authorizes discharges of hydrostatic test waters from: new vessels; existing vessels that only contained or transferred raw or potable water; existing vessels that previously contained only elemental gases (e.g., hydrogen, oxygen, nitrogen); and existing vessels that previously contained petroleum substances, or natural gas substances or waste related to petroleum substances or natural gas substances.

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 will expire at midnight on April 5, 2030.

III. Permit Applicability

1. This general permit authorizes the discharge of hydrostatic test water. The general permit specifies which facilities may be authorized under this general permit and those that must be authorized by individual permit or another general permit.
2. The following discharges are not eligible for general permit coverage:
 - a. Discharges prohibited by 30 Texas Administrative Code (TAC) Chapter 311, *Watershed Protection* or 30 TAC Chapter 213, *Edwards Aquifer*.
 - b. Discharges adjacent to water in the state (e.g., land application) from facilities that are regulated by the RRC, including crude oil and natural gas facilities. Discharges from these facilities into water in the state are authorized under this general permit.

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- c. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this general permit unless otherwise allowable under 30 TAC Chapter 305, *Consolidated Permits*, and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed as category 4 or 5 in the current version of the Texas Integrated Report of Surface Water Quality, and waterbodies on the Clean Water Act (CWA), § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.
- d. Discharges of the constituent(s) of concern to impaired water bodies for which there is a total maximum daily load (TMDL) implementation plan are not eligible for this general permit unless they are consistent with the approved TMDL and the implementation plan. The Executive Director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual permit or other applicable general permit prior to discharging.
- e. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this general permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure the protection of endangered or threatened species is achieved.
- f. This general permit does not authorize the use of domestic wastewater, reclaimed water, or wastewater generated by other industrial operations (including produced water and gas plant effluent generated from crude oil and natural gas exploration, development, and production operations) for hydrostatic testing and discharge under this general permit.
- g. This general permit does not authorize the discharge of polychlorinated biphenyls compounds (PCBs). Documentation that PCBs are not present in pipelines is required for all pipelines which have been in use for transmission of natural gas. Such documentation shall consist of a certification that either the pipeline has been tested for, and found to be free of PCBs, or that compressors or other equipment that contained PCBs were never used on the pipeline. Applicants seeking to discharge hydrostatic test waters from natural gas pipelines must certify in the NOI that the pipeline has been tested and certified free of PCBs, or compressors and other equipment that contained PCBs were never used on the pipeline.
- h. Discharge of cleaning/rinsing wastewater generated prior to filling a vessel with water for hydrostatic testing; and any materials generated from pigging, utilizing compressed air, pressure washing, or other cleaning technique are not authorized for discharge under this general permit.

3. Facilities that dispose of hydrostatic test water by any of the following practices are not required to obtain coverage under this general permit nor an individual wastewater permit:
 - a. recycling of the hydrostatic test water with no resulting discharge into or adjacent to water in the state, including reuse of the hydrostatic test water in industrial processes, hydraulic fracturing, etc.;
 - b. pumping and hauling of the hydrostatic test water to an authorized disposal facility;
 - c. discharge of hydrostatic test water to a publicly owned treatment works (POTW);
 - d. underground injection of hydrostatic test water in accordance with 30 TAC Chapter 331, *Underground Injection Control*; or
 - e. discharge of hydrostatic test water to above ground storage tanks with no resulting discharge into or adjacent to water in the state.

IV. Permit Effluent Limitations

1. Discharges of hydrostatic test water into water in the state from new vessels, existing vessels that contain or previously contained or transferred raw or potable water, or existing vessels that previously contained only elemental gases are subject to the following effluent limitation if the hydrostatic test water has been hyperchlorinated:

Parameter	Daily Maximum Limitations	Daily Average Limitations	Sample Type	Monitoring Frequency
Total Residual Chlorine	0.10 mg/L	Report	Grab	Two/Discharge ¹

¹ Samples shall be taken during the first hour of discharge. For discharges that extend beyond an hour in duration, a second sample shall be taken of the last 10% of the effluent. Samples must be collected at a point immediately following discharge from the vessel (or following treatment) and prior to commingling with stormwater, wastewater, or other flows.

2. Discharges of hydrostatic test water into water in the state from existing vessels that previously contained petroleum substances, natural gas substances, or waste related to petroleum substances or natural gas substances are subject to the following effluent limitations:

Parameter	Daily Maximum Limitations	Daily Average Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons ¹	15 mg/L	Report	Grab	Two/discharge ²
Benzene	0.05 mg/L	Report	Grab	Two/discharge ²

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Parameter	Daily Maximum Limitations	Daily Average Limitations	Sample Type	Monitoring Frequency
Total BTEX ³	0.50 mg/L	Report	Grab	Two/discharge ²
Total Lead ⁴	0.10 mg/L ⁵	Report	Grab	Two/discharge ²
Total Lead ⁴	0.02 mg/L ⁵	Report	Grab	Two/discharge ²
pH	Between a minimum of 6.0 and a maximum of 9.0 Standard Units		Grab	Two/discharge ²

- ¹ Total petroleum hydrocarbons must be analyzed using TCEQ Method 1005.
 - ² Samples shall be taken during the first hour of discharge. For discharges that extend beyond an hour in duration, a second sample shall be taken of the last 10% of the effluent. Samples must be collected at a point immediately following discharge from the vessel (or following treatment) and prior to commingling with stormwater, wastewater, or any other flows.
 - ³ Total BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
 - ⁴ If the vessel containing the wastewater to be discharged has never contained lead or lead additives, there is no requirement to sample and analyze for total lead.
 - ⁵ The daily maximum limitation for total lead is 0.02 mg/L for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For all other counties in the state, the daily maximum limitation is 0.10 mg/L.
3. Discharges adjacent to water in the state, such as land application, are authorized under state authority in Texas Water Code Chapter 26. Land application of hydrostatic test water shall comply with the following requirements and are not subject to numerical effluent limitations.
- a. Land application shall not occur when the ground is frozen, the ground has standing water, the ground is saturated, during rainfall events, or within 24 hours of a rainfall event of 0.5 inch or greater during a 24-hour period.
 - b. Land application shall not result in runoff, ponding of effluent, contamination of ground and surface waters, or occurrence of nuisance conditions in the area.
 - c. Hydrostatic test water shall not be land applied within 500 feet of any water well and shall be conducted to minimize the potential of contamination to all public and private wells.
 - d. The permittee shall maintain vegetation in the land application area.

- e. There shall be no land application of hydrostatic test water containing floating solids or visible oil sheen. The hydrostatic test water shall not exhibit foaming of a persistent nature as required by 30 TAC § 307.4(b)(6), *Aesthetic Parameters*.
- f. Solid wastes shall be disposed of following the requirements of the 30 TAC Chapter 330, *Municipal Solid Waste*.
- g. The permittee shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The permittee shall immediately cease land application whenever it is discovered that land application activities may endanger human health or safety, or the environment. The problem shall be reported following the requirements in Part III, Section B.12 of this general permit.

V. Changes From Existing General Permit

- 1. Modify the definition of Land Application to specify, "...that uses the hydrostatic test water to [either condition the soil or fertilize crops or] beneficially irrigate actively growing vegetation...", because the hydrostatic test water authorized for land application under this draft general permit would not contain organic materials or nutrients that would condition soil or fertilize crops.
- 2. Revise Part II, Section A.4 to remove footnote 2. On January 15, 2021, TCEQ received delegation from EPA to regulate discharges of hydrostatic test water into water in the state from crude oil and natural gas exploration, development, and production operations, and the provision is no longer necessary. The subsequent footnote has been renumbered.
- 3. Revise Part II, Section B.6 to specify home-rule municipality as established in 'Texas statute' instead of the specific rule to ensure flexibility to accommodate future rule and citation changes.
- 4. Remove the option for FAX notification under Part III, Section B.9.a for consistency with 30 TAC § 305.125(9), Standard Permit Conditions.
- 5. Update to Part III, Section B.9 and Part III, Section C.7 to reference 30 TAC Chapter 330, Municipal Solid Waste and 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, in lieu of Texas Health and Safety Code Chapter 361, Solid Waste Disposal.
- 6. Revise Part III, Section C to include new item 4 regarding prohibitions for land application of hydrostatic test water from existing vessels that previously contained petroleum substances or natural gas substances. These prohibitions are necessary because the hydrostatic test water from vessels that previously contained petroleum substances, natural gas substances, or waste related to those substances may contain constituents that could cause groundwater contamination, issues to surface water from excess runoff, or human health concerns, and include the following:
 - a. Land application shall only occur on non-public access land;
 - b. Land application shall not occur on food crops for human consumption;
 - c. Land application shall not occur on fallow land;

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- d. Hydrostatic test water shall not be land applied within 100 feet of any surface water in the state; and
- e. Hydrostatic test water shall not be land applied to soils when groundwater is within 4 feet of the ground surface.

Subsequent requirements have been renumbered.

- 7. Revise Part IV.7.f to clarify reporting and signature requirements for annual tests.
- 8. Revise Part IV.8 to clarify signature requirements for reports.

VI. Addresses

Comments on this draft general permit should be sent to:

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

Questions concerning this draft general permit should be directed to:

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

Supplementary information on this fact sheet is organized as follows:

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

VII. Legal Basis

Texas Water Code (TWC), § 26.121 makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission. TWC § 26.027 authorizes the Commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC, § 26.040 provides the Commission with the authority to amend or adopt, as necessary to implement this section, rules adopted under TWC, § 26.040, and to authorize waste discharges by general permit. On September 14, 1998, TCEQ received authority from the EPA to administer the TPDES program. TCEQ and the

EPA signed a Memorandum of Agreement which authorizes the administration of the National Pollutant Discharge Elimination System (NPDES) program to TCEQ as it applies to the State of Texas. TWC § 26.131 transfers permitting authority for discharges into water in the state of certain waste streams (including hydrostatic test water) associated with crude oil and natural gas operations from the RRC to TCEQ upon delegation of NPDES authority for these discharges. On January 15, 2021, TCEQ received authority from EPA to administer these discharges under the TPDES program.

CWA, §§ 301, 304, and 401 (33 United States Code (USC), §§ 1331, 1314, and 1341) include provisions which state that NPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability; (2) comply with EPA-approved state water quality standards; and (3) comply with other state requirements adopted under authority retained by states under CWA, § 510, 33 USC § 1370.

Two types of technology-based effluent limitations must be included in the general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand (BOD), oil and grease, total suspended solids (TSS), and fecal coliform bacteria, CWA, § 301(b)(2)(E) requires effluent limitations based on “best conventional pollutant control technology” (BCT). With regard to nonconventional and toxic pollutants, CWA, § 301(b)(2)(A), (C), and (D) requires effluent limitations based on “best available technology economically achievable” (BAT), a standard that generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges before March 31, 1989 under CWA, § 301(b)(1)(A).

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

VIII. Regulatory Background

The regulation of hydrostatic test water dischargers in Texas under the jurisdiction of TCEQ was initially authorized by rule, 30 TAC Chapter 321, Subchapter G, *Hydrostatic Test Discharges*, with an effective date of May 9, 1989. The permit by rule was replaced by TPDES General Permit TXG670000 in April 2005 and 30 TAC Chapter 321, Subchapter G was repealed in September 2007. The Commission was given authority to issue general permits in place of authorizations by rule through legislation, House Bill (HB) 1542, passed during the 75th legislative session (1997). Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76th legislative session (1999). Prior to the amendments of TWC § 26.131 via House Bill 2771 in the 86th Legislative Session, hydrostatic test discharges into or adjacent to water in the state from crude oil and natural gas exploration, development, and production activities were under authority of the RRC. Separate authorization to discharge into waters of the U.S. was required from EPA as the RRC did not have NPDES authority to regulate these discharges. HB 2771 transfers the authority to regulate these discharges to TCEQ upon obtaining NPDES authority from EPA.

IX. Permit Coverage

The purpose of this general permit is to regulate the discharge of water resulting from the hydrostatic testing of new or used pipelines, tanks, and other vessels used in pipeline transportation, storage, or other containment of certain raw materials or petroleum substances and natural gas substances. Fill water used in hydrostatic testing may be raw water, groundwater, or from public water supplies.

Hydrostatic testing is performed by sealing the vessel or, in the case of pipelines, the segment to be tested, and filling it with water. The pressure is increased to the desired level using a high-pressure pump system. The pressure is usually held for a designated length of time in order to check the integrity of the vessel. Following the test, the pressure is released and the vessel is dewatered. Hydrostatic testing can also be accomplished without pressurizing the vessel. After dewatering, the disinfection of the vessel may be required and hyperchlorinated water is flushed through the supply line or tank. The general permit also authorizes discharges resulting from this flushing for only water supply lines or tanks for disinfection purposes.

To obtain authorization to discharge under the draft general permit, an applicant will need to use the following guidelines.

1. Unless specifically exempted from notification requirements under Part II.C.4. of the general permit, applicants seeking authorization to discharge under authority of this general permit must submit a Notice of Intent (NOI). The NOI shall, at a minimum, include the legal name and address of the owner and operator, the facility name and address, specific description of its location, type of facility or discharges (including materials contained in the vessel being hydrostatically tested), and the name of the receiving waters. Permittees authorized under the previous general permit effective April 5, 2020 and amended on October 21, 2020, are required to submit a new NOI. Permittees shall maintain a copy of the general permit and authorization issued (if applicable) under the general permit at the facility.
2. Submission of an NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. Provisional authorization to discharge under the terms and conditions of this general permit begins immediately after TCEQ confirms receipt of an electronic NOI, and 48 hours after a paper NOI is postmarked for delivery to TCEQ. Following review of the NOI, the Executive Director shall either coverage by providing 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, or electronic equivalent, to the operator of the system at the same time an NOI is submitted to TCEQ.
3. For discharges located in areas regulated by 30 TAC Chapter 213, *Edwards Aquifer*, this authorization to discharge is separate from the requirements of the applicant's responsibilities under that rule. Discharge may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of that chapter are met. For discharges located on or within ten stream miles

upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional office.

Counties: Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, and Williamson
Contact: TCEQ Edwards Aquifer Protection Program Manager
Austin Regional Office
P.O. Box 13087
Austin, TX 78711-3087
(512) 339-2929

4. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity changes, then both the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the change. Permittees discharging to a MS4 must submit a copy of the NOT, or electronic equivalent, to the operator of the system at the same time the NOT is submitted to TCEQ.
5. If the owner or operator becomes aware that he or she 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 (for example, phone number, address, outfall information, type of facility or discharges, or the receiving waters) an NOC must be submitted within 14 days of the change. Permittees discharging to a MS4 must submit a copy of any NOC, or electronic equivalent, to the operator of the system at the same time the NOC is submitted to TCEQ.

X. Technology-Based Requirements

The limitations and conditions of the draft general permit have been developed to comply with the technology-based standards of the CWA. There are currently no nationally applicable guidelines identifying the BPT, BCT, or BAT standards for discharges authorized by this general permit, therefore, the technology-based effluent limitations are based on BPJ. The parameters selected for BCT/BAT limits are the primary pollutants of concern for discharges authorized in the draft general permit and are provided for discharges under two categories: 1) discharges from new vessels or used vessels that contain raw or potable water or elemental gases and 2) vessels that previously contained petroleum substances or natural gas substances, or waste related to petroleum substances or natural gas substances.

The first category of discharges has a very low potential to contain pollutants, however, some hydrostatic tests could include the hyperchlorination of the vessel for disinfection purposes. In these instances, the general permit contains a requirement that the discharge must be dechlorinated to less than 0.1 mg/L total residual chlorine prior to discharge.

The second category of discharges, vessels that previously contained petroleum substances or natural gas substances, or waste related to petroleum substances or natural gas substances, are required to analyze the following parameters which were selected for BCT/BAT limitations:

Parameter	Daily Maximum mg/L	Daily Average mg/L
Total Petroleum Hydrocarbons	15	Report
Benzene	0.05	Report
Total BTEX ¹	0.5	Report
pH	Between 6.0 and 9.0 Standard Units	

¹ Sum of benzene, toluene, ethyl benzene, and total xylene.

These effluent limitations are economically achievable and were established in the existing general permit. Crude oil is the feedstock to petroleum refineries which manufacture gasoline, diesel fuel, jet fuel, and other products, thus the pollutants that are expected to be present in hydrostatic tests of crude oil vessels would also be expected in products refined from crude oil which is currently authorized by the existing hydrostatic general permit. Discharges from hydrostatic testing of natural gas vessels to a significantly lesser extent have the potential to contain pollutants proposed for regulation in the draft general permit, where methane constitutes the vast majority of hydrocarbons in natural gas transported and stored in natural gas vessels. No requirements for dechlorination are included in the general permit for this category of discharges, as the use of chlorine disinfection in such vessels is not a standard practice.

XI. Water Quality-Based Requirements

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the TPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity data bases to determine the adequacy of technology-based permit limits and the need for additional water-quality based controls.

In accordance with 30 TAC §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (TSWQS) (2010), an antidegradation review of this TPDES general permit was performed in order to ensure that no significant degradation of any water in the state will occur and that existing uses will be maintained and protected.

The 2022 TSWQS specify instream criteria for benzene of 0.005 mg/L for public drinking water sources, 0.581 mg/L to protect freshwater fisheries, and 0.0708 mg/L to protect saltwater fisheries. The existing benzene general permit limit of 0.05 mg/L is expected to meet water quality standards, including standards for drinking water sources, when typical dilutions are assumed near the point of discharge (human health mixing zone of 8% effluent, i.e., >12:1 rapid dilution, using the horizontal jet plume model for discharges less than 10 MGD). The existing BTEX general permit limit of 0.5 mg/L remains protective of all BTEX constituents except for benzene which is addressed with a separate general permit limit. The criteria for each constituent which comprises total BTEX, expressed as mg/L, are as follows:

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All values are in mg/L.

Chemical	Water and Fish Consumption	Freshwater Aquatic Life Chronic	Freshwater Fisheries Sustainable	Saltwater Aquatic Life Chronic	Saltwater Fisheries Sustainable
Benzene	0.005 ††	0.530 #	0.581 †	0.510 #	0.0708 †
Ethylbenzene	0.700 ††	1.090 §	7.143 †	0.249 §	29 ¶
Toluene	1.000 ††	1.450 §	28.952 ¶	0.475 §	19.301 ¶
Xylene	10.000 ††	1.340 §	No Human Health data	0.850 §	No Human Health data

† 30 TAC § 307.6(d)(1), Table 2.

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

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

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

†† MCL.

The 2022 TSWQS were used to calculate aquatic life criteria for dissolved lead which were converted to total lead using procedures described in the Procedures to Implement the TSWQS and dissolved lead concentrations for Segment No. 0513 found in Textox (Texas Toxicity Modeling Program):

Freshwater aquatic-life protection (using the 15th percentile value of 44 mg/L hardness and 2 mg/L TSS for all water of the state):

Acute: 0.0635 mg/L
 Chronic: 0.0033 mg/L

Saltwater aquatic-life protection (using a TSS of 10 mg/L):

Acute: 0.349 mg/L
 Chronic: 0.014 mg/L

The Trinity-San Jacinto Coastal and San Jacinto River Basins water basins contain segments which are below the statewide 15th percentile values for hardness.

Freshwater aquatic-life protection (using the 15th percentile value of 21 mg/L hardness and 3 mg/L TSS for the softest segment, Segment No. 1011):

Acute: 0.030 mg/L
 Chronic: 0.002 mg/L

Based on these calculations, a continuance of the 0.1 mg/L total lead limit is recommended. This limitation only applies to vessels being hydrostatically tested that

contained lead or lead additives, such as leaded gasoline. The effluent limit for total lead of 0.1 mg/L provides protection for acute toxicity in situations where little or no dilution occurs, and provides reasonable protection for chronic criteria from intermittent, low-volume discharges.

However, a total lead limit of 0.1 mg/L may not be stringent enough to protect aquatic life in every water basin of the state. The Cypress, Sabine, and Neches water basins contain segments which are below the statewide 15th percentile values for hardness. The continuance of the 0.02 mg/L total lead limit for those basins is also recommended based on the following calculations:

Freshwater aquatic-life protection (using the 15th percentile value of 12 mg/L hardness for the softest segment, Segment No. 0513):

Acute: 0.015 mg/L
Chronic: 0.001 mg/L

Human-health criteria are also protected by a total lead limit of 0.1 mg/L for discharges which are not large or continuous, since substantial rapid dilution (>12:1) is expected for any discharges into waterbodies which are large enough to constitute a public drinking water supply or a sustainable fishery.

Human-health criteria (using a TSS of 2 mg/L for freshwater and 10 mg/L for saltwater):

Drinking water source: 0.004 mg/L
Freshwater fishery: 0.147 mg/L
Saltwater fishery: 0.010 mg/L

The following water quality-based permit limitations are included in the draft general permit:

Parameter	Daily Maximum mg/L	Daily Average mg/L
Total Lead ¹	0.10	Report
Total Lead ¹	0.02	Report

¹ The daily maximum limitation for total lead is 0.02 mg/L for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For all other counties in the state, the daily maximum limitation is 0.10 mg/L.

Part II, Section B.2(a) and (b) of the general permit addresses discharges prohibited by the Watershed Protection and Edwards Aquifer and Contributing Zone rules. Part II, Section B.5 of the general permit states that the Executive Director may require an

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application for an individual permit to authorize a discharge from any activity that will not maintain existing uses of the receiving waters. Part II, Section B.7 of the general permit disallows new sources or new dischargers of constituents of concern to impaired waters (303(d) listed water bodies) unless otherwise allowable under 30 TAC Chapter 305. Part II, Section B.8 of the general permit states that the Executive Director may require an applicant to apply for an individual TPDES permit based on conditions of an approved TMDL and TMDL implementation plan. Part II, Section B.9 of the general permit prohibits discharges that would adversely affect a listed endangered or threatened species or its critical habitat.

The TSWQS also require that discharges shall not be acutely toxic to aquatic life, as determined by requiring greater than 50% survival in 100% effluent using a 24-hour acute toxicity test. This requirement, however, is typically only required for continuously flowing discharges or discharges with the potential to exert toxicity in the receiving stream, according to the state's implementation procedures.

The discharges authorized under TPDES General Permit TXG670000 are not typically continuous flowing discharges and the limitations for pollutants of concern in the permit should preclude toxicity instream. The concentrations (LC 50) of these pollutants that exhibit 50% mortality are less protective than the effluent limitations in the general permit. The EPA's document, Quality Criteria for Water 1986 (EPA 440/5-86-001), also called the "Goldbook," lists the aquatic life criterion for Benzene as 5.3 mg/L which is less protective than the 0.05 mg/L limit in the draft general permit. Toxicity data compiled by the Standards Implementation Team shows LC 50s for sensitive freshwater species as 28.5 mg/L for Toluene, 21.8 mg/L for Ethylbenzene, and 13.4 mg/L for Xylenes. The LC 50s for marine species are 9.5 mg/L for Toluene, 5.0 mg/L for Ethylbenzene, and 8.5 mg/L for Xylenes. Therefore, the limits in the draft general permit of 0.05 mg/L for Benzene, and 0.50 mg/L for BTEX should preclude toxicity instream. Furthermore, introduction of chemicals (with the exception of chlorine and tracer dyes) to the vessel being hydrostatically tested is prohibited in the general permit.

Additionally, TCEQ has determined not to include WET testing and total residual chlorine limitations in the draft general permit based on the following rationale.

EPA approved the amendment with renewal of the Hydrostatic Test General Permit (TXG670000) without WET testing and chlorine residual limitations in correspondence dated September 3, 2019 which was approved by the commission and issued on March 10, 2020. Discharges from crude oil and natural gas vessels are similar in nature to those authorized in the existing general permit: either new vessels or vessels that previously contained refined petroleum products (e.g. gasoline, jet fuel, etc.).

WET testing:

- TCEQ performed a nation-wide search of all 50 states and identified 31 states with EPA-approved NPDES Hydrostatic Test General Permits in effect. None of the 31 general permits reviewed required any type of WET requirements.
- A review of EPA Region 6 individual hydrostatic test oil and gas NPDES permits indicated WET testing is a permit condition when chemicals are utilized in hydrostatic test operations. The proposed amendments to the general permit include a requirement prohibiting introduction of chemicals into a vessel being hydrostatically tested, with the exception of chlorine and tracer dyes.

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- WET conditions in these EPA issued individual permits are for WET testing only (some permits require 24-hour acute and others further require 7-day chronic WET testing), not WET limitations. Hydrostatic tests from oil and gas operations are extremely intermittent in nature and in many cases are one-time only discharges that will not be repeated in the future. The WET language in EPA's individual permits require increased frequency of testing requirements upon a test failure and the requirement to conduct a toxicity reduction evaluation (TRE) upon failure of subsequent WET tests. The TRE would require additional WET testing, testing for individual toxics, etc. with conditions that would require a WET limit, chemical specific limit, or other control at the conclusion of the TRE. For this type of industry and discharges that in most cases are one-time discharges or future discharges will not occur for a significant time in the future, this type of WET testing is not appropriate as effluent would not be available for increased testing and conducting a TRE.
- TCEQ's EPA approved *Procedures to Implement the Texas Surface Water Quality Standards* apply WET requirements to certain continuous discharges that have the potential to cause instream toxicity. Highly intermittent hydrostatic test discharges do not meet this criteria.
- EPA Region 6 previously authorized hydrostatic test discharges from oil and gas operations under TXG260000 (Offshore Territorial Seas), TXG330000 (Onshore Stripper Wells and Coastal), and GMG290000 (Outer Continental Shelf) under the category of "Miscellaneous Discharges". These general permits only applied a limitation of no free oil and did not require WET testing or chlorine limitations. The fact sheet for GMG290000 dated September 18, 2017, includes the following language: "The EPA, in 2012, determined that toxicity tests are not required for miscellaneous discharges treated by bromide, chlorine, or hypochlorite. But, use of bromide, chlorine, or hypochlorite are still required to be in compliance with the technology-based quantity limits". EPA did not establish any technology-based chlorine limitations in any of these general permits for miscellaneous discharges (which includes hydrostatic test discharges). The only waste stream in EPA's general permits which contain chlorine limitations is for the discharge of sanitary waste which only includes a minimum chlorine concentration be achieved (to control bacteria) and sets no limitations for daily average or daily maximum to be discharged.

Total Residual Chlorine:

- A review of EPA Region 6 individual hydrostatic test oil and gas NPDES permits include total residual chlorine limitations when potable water is the source water utilized in hydrostatic test operations. TCEQ's experience in permitting intermittent and short-term discharges to surface waters (such as those from hydrostatic tests using potable water) indicates chlorine dissipates rapidly upon entering and mixing with surface waters. EPA Publication "EPA-738-F-99-001" titled "Prevention, Pesticides, And Toxic Substances" contains the following statement: "When treated effluent is released into receiving waters, free residual chlorine dissipates rapidly (it has a half-life of 1.3 to 5 hours)". Furthermore, Part III, Section B.1 of the general permit requires discharges be to a splash pad, a paved area, or other alternative surface which would result in further rapid decrease of free residual chlorine to the atmosphere prior to entering surface waters in the state.

- TCEQ has authorized hydrostatic test discharges for 20 years under this general permit and has not identified instream water quality effects from these intermittent and short-term discharges.
- TCEQ has not adopted numerical criteria for chlorine in the EPA approved Texas Surface Water Quality Standards (TSWQS).

In accordance with 30 TAC § 307.5, effective as state rule September 29, 2022, and the TCEQ implementation procedures (June 2010) for the TSWQS, it has been preliminarily determined that if the current general permit requirements are properly implemented, no significant degradation is expected, and existing uses will be maintained and protected.

XII. Monitoring and Reporting

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

1. Samples shall be collected, and measurements shall be taken at times and in a manner so as to be representative of the monitored discharge.
2. All samples shall 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), or the EPA's, "Methods for Chemical Analysis of Water and Wastes" (1979), or the EPA's, "Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents" (1973).
3. Sample containers, holding times, and preservation methods shall either follow the requirements specified in 40 CFR Part 136 or the latest edition of "Standard Methods for the Examination of Water and Wastewater."
4. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
5. The sampling point must be downstream of any treatment unit or treatment technique that is used to improve or otherwise alter the quality of the discharge; and prior to the hydrostatic test water commingling with any other wastewater, stormwater, or other flows.
6. Analytical results for determining compliance with effluent limitations shall be recorded on a Discharge Monitoring Report (DMR) (EPA No. 3320-1). The DMR must be signed in accordance with the requirements in Part IV.8 of the general permit and be maintained as required.
7. Records of monitoring activities shall include:
 - a. date, time, and place of sample or measurement;
 - b. identity of individual who collected the sample or made the measurement;
 - c. date and time of laboratory analysis;
 - d. identity of the individual and laboratory who performed the analysis;

- e. the technique or method of analysis;
 - f. the results of the analysis or measurement; and
 - g. quality assurance / quality control records.
8. If the permittee monitors any pollutant in a discharge more frequently than required by the general permit using approved analytical methods as specified in Part IV.7 of the general permit, all results of such monitoring shall be included in the calculation and recording of the values on the DMR. Increased frequency of sampling shall be indicated on the DMR.
 9. If the analytical results indicate a violation of one or more of the permitted effluent limitations, the permittee shall submit a DMR to TCEQ's Enforcement Division (MC-224) by the 20th day of the month following the discharge. Any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. For effluent limitation violations, non-compliances shall be reported using the NetDMR reporting system available through the TCEQ website or an approved DMR form (EPA No. 3320-1) to TCEQ's Enforcement Division (MC-224) if the permittee has obtained an electronic reporting waiver.

XIII. Procedures for Final Decision

The memorandum of agreement between the EPA and TCEQ provides that the EPA has no more than 90 days to comment, object, or make recommendations to the draft general permit before it is published in the *Texas Register*. According to 30 TAC Chapter 205, *General Permits for Waste Discharges*, when the draft general permit is proposed, notice shall be published, at a minimum, in at least one newspaper of statewide or regional circulation. The Commission may also publish notice in additional newspapers of statewide or regional circulation. Mailed notice shall also be provided to the following:

- the county judge of the county or counties in which the discharges under the general permit could be located;
- if applicable, state and federal agencies for which notice is required in 40 CFR § 124.10(c);
- persons on a relevant mailing list kept under 30 TAC § 39.407, relating to Mailing Lists; and
- 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 draft general permit.

Any person, agency, or association may make a request for a public meeting on the draft 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 Texas Administrative Procedure Act.

If the Executive Director calls a public meeting, the Commission will give notice of the date, time, and place of the meeting, as required by Commission rule. The Executive Director shall prepare a response to all significant public comments on the draft general permit raised during the public comment period. The Executive Director shall make the response available to the public. The general permit will then be filed with the Commission to consider final authorization of the general permit. The Executive Director's response to public comment shall be made available to the public and filed with the Chief Clerk at least ten days before the Commission acts on the general permit.

XIV. Administrative Record

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

1. TPDES Permits
TPDES General Permit for Discharges of Hydrostatic Test Waters (TXG670000) effective October 21, 2020
2. 40 CFR Citations
40 CFR Parts 122, 124, 136
3. TCEQ Rules
30 TAC Chapters 39, 205, 213, 281, 305, 307, 319, 331, and 335
4. Letters/Memoranda/Records of Communication
TXG670000 Antidegradation Review, Interoffice Memorandum from the Standards Implementation Team (P. Shaefer) dated April 17, 2024
TXG670000 Groundwater Review, Interoffice Memorandum from the Water Quality Assessments Team (A. Hoh) dated March 25, 2024
5. Miscellaneous
EPA, National Recommended Water Quality Criteria: 2002, EPA-822-R-02-047, November 2002
EPA, Quality Criteria for Water 1986 (EPA 440/5-86-001)
TCEQ, *Implementation Procedures of the Texas Surface Water Quality Standards*, January 2010
EPA Oil and Gas NPDES General Permits: TXG260000, TXG330000, GMG290000.

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISPOSE OF HYDROSTATIC TEST WATER

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

This permit supersedes
TPDES General Permit No. TXG670000 effective on October 21, 2020.

Hydrostatic test water from industrial and other facilities, located in the State of Texas,

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

only according to effluent limitations, monitoring requirements, and other conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or commission), the laws of the State of Texas, and other orders of the commission. The issuance of this general permit does not grant the permittee the right to use private or public property for the conveyance of hydrostatic test water 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 permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight on April 5, 2030.

EFFECTIVE DATE: April 5, 2025

ISSUED DATE:

For the Commission

TPDES GENERAL PERMIT NUMBER TXG670000 RELATING TO
DISCHARGES OF HYDROSTATIC TEST WATER

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Part I. Definitions

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

Daily average limitations - The arithmetic average of results of analyses for a parameter from a minimum of four samples of the discharges that occur in a single calendar month. When results of analyses of four samples are not available in a single calendar month, the arithmetic average of the most recent results, not to exceed four, must be reported as the daily average concentration.

Daily maximum limitations - The maximum concentration measured on a single day within a single calendar month.

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

Existing vessel - A vessel that has been used to store; transport; or otherwise contain a liquid, gaseous material, petroleum substance, or natural gas substance as identified in Part II, Section A.

Facility - Any National Pollutant Discharge Elimination System (NPDES) "point source" (as defined in 40 Code of Federal Regulations (CFR) § 122.2) or any other facility or activity that is subject to regulation under the Texas Pollutant Discharge Elimination System (TPDES) program or Texas Land Application Permit (TLAP) program.

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

Gas plant effluent - Any wastewater (other than hydrostatic test water) or stormwater that is generated at a gasoline plant, natural gas or natural gas liquids processing plant, pressure maintenance plant, or re-pressurizing plant.

General permit - A permit issued under the provisions of Title 30 Texas Administrative Code (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 Texas Water Code (TWC), § 26.040.

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

Hydrostatic test - A method of determining the hydraulic and structural integrity of a vessel by either introducing water into the vessel or submerging the empty vessel in water.

Hyperchlorinated - The treatment of potable water lines or other vessels with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or vessel, and subsequently flushing the contents.

Land application - The spraying or spreading of hydrostatic test water onto the land surface or the incorporation of hydrostatic test water into the soil in a way that causes no nuisance conditions and that uses the hydrostatic test water to beneficially irrigate actively growing vegetation grown in the soil.

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

- (a) owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA);
- (b) designed or used for collecting or conveying stormwater;
- (c) which is not a combined sewer;
- (d) which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; and
- (e) which does not include very discrete systems such as those serving individual buildings. *See also 40 CFR § 122.26(b)(4), (7), and (16).*

Natural gas substance - Raw natural gas and all forms of processed natural gas; including but not limited to; pipeline quality dry natural gas, natural gas liquids, liquified petroleum gas, liquified natural gas, and compressed natural gas.

New vessel - A vessel that has not been previously used to store; transport; or otherwise contain a liquid, gaseous material, petroleum substance, natural gas substance, or waste materials.

Notice of change (NOC) - A written submission to the Executive Director from a permittee authorized under a general permit, providing information on changes to information previously provided to the Commission, or any changes with respect to the nature or operations of the regulated entity or the characteristics of the discharge.

Notice of intent (NOI) - A written submission to the Executive Director from an applicant requesting authorization under the terms of a general permit.

Notice of termination (NOT) - A written submission to the Executive Director from a permittee authorized under a general permit requesting termination of authorization.

Operator - The person responsible for the overall operation of a facility.

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

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

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

- (a) Basic petroleum substances - Crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions.
- (b) Motor fuels - A petroleum substance that is typically used to operate internal combustion engines (including stationary engines and engines used in motor vehicles, aircraft, and marine vessels), and is one of the following types of

fuels: motor gasoline, aviation gasoline, No. 1 diesel fuel, No. 2 diesel fuel, biodiesel blended with No. 1 or No. 2 diesel, gasohol or other alcohol blended fuels.

- (c) Aviation gasolines - Grade 80, Grade 100, and Grade 100-LL.
- (d) Aviation jet fuels - Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8.
- (e) Distillate fuel oils - No. 1-D, No. 1, No. 2-D, and No. 2.
- (f) Residual fuel oils - No. 4-D, No. 4-light, No. 4, No. 5-light, No. 5-heavy, and No. 6.
- (g) Gas-turbine fuel oils - Grade O-GT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT.
- (h) Illuminating oils - Kerosene, mineral seal oil, long-time burning oils, 300 oil, and mineral colza oil.
- (i) Solvents - Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers' and painters' naphthas, petroleum extender oils, and commercial hexane.
- (j) Lubricants - Automotive and industrial lubricants.
- (k) Building materials - Liquid asphalt and dust-laying oils.
- (l) Insulating and waterproofing materials - Transformer oils and cable oils.
- (m) Used oils - Any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated by physical or chemical impurities; including spent motor vehicle and aircraft lubricating oils (e.g., car and truck engine oil, transmission fluid, and brake fluid), spent industrial oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear, electrical, and refrigerator oils), and spent industrial process oils.
- (n) Any other petroleum-based material that has physical and chemical properties similar to the above materials and receives approval by the Executive Director for designation as a petroleum substance.
- (o) Examples of materials that are not petroleum substances include: aldehydes and ketones (e.g., acetone, methyl ethyl ketone); halogenated solvents (e.g., carbon tetrachloride, trichloroethylene), alcohols (e.g., methanol), phenols, nitrogen-containing compounds and oils containing polychlorinated biphenyl compounds.

Produced water - As defined in 30 TAC § 305.541(b) - all wastewater associated with oil and gas exploration, development, and production activities, except hydrostatic test water and gas plant effluent, that is discharged into water in the state, including waste streams regulated by 40 CFR Part 435.

Site - The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

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

discharges applied to land from crude oil and natural gas operations regulated by the Railroad Commission of Texas.

Texas Pollutant Discharge Elimination System (TPDES) Permit - The state program for issuing, amending, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under the CWA §§ 307, 402, 318, and 405, the Texas Water Code, and Title 30 of the Texas Administrative Code regulations.

Vessel - Pipelines, tanks, and other similar containers used to store; transport; or otherwise contain a liquid, gaseous material, petroleum substance, or natural gas substance as identified in Part II, Section A.

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

Part II. Permit Applicability and Authorization

Section A. Discharges Authorized

This general permit authorizes the discharge of water resulting from a hydrostatic test of a vessel into or adjacent¹ to water in the state from:

1. new vessels;²
2. existing vessels that contain or previously contained or transferred raw or potable water;
3. existing vessels that previously contained only elemental gases (hydrogen, oxygen, nitrogen, etc.); and
4. existing vessels that previously contained petroleum substances or natural gas substances, or waste² related to petroleum substances or natural gas substances.

¹ Discharges of hydrostatic test water adjacent to water in the state (i.e., land application) from new vessels and existing vessels associated with crude oil and natural gas exploration, development, and production operations remains under the jurisdiction of the Railroad Commission of Texas (RRC).

² Waste related to petroleum substances or natural gas substances does not include the discharge of waste subject to 40 CFR Part 419 (Petroleum Refining Point Source Category), 40 CFR Part 435 (Oil and Gas Extraction Point Source Category), or 40 CFR Part 437 (The Centralized Waste Treatment Point Source Category).

Section B. Limitations on Authorization

1. Additional authorization may be required for discharges into or adjacent to water in the state, located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 TAC Chapter 213, *Edwards Aquifer*. Also, see Part II.C.3 for discharges regulated under 30 TAC Chapter 213.
2. Discharges shall not be authorized by this general permit where prohibited by:
 - a. 30 TAC Chapter 311, *Watershed Protection*;
 - b. 30 TAC Chapter 213, *Edwards Aquifer*; or
 - c. Any other applicable rules or laws.
3. This general permit does not authorize discharges adjacent to water in the state (e.g., land application or evaporation) from activities that are regulated by the RRC, including crude oil and natural gas facilities. Discharges from these facilities into water in the state are authorized under this general permit.
4. This general permit does not authorize the use of domestic wastewater, reclaimed water, or wastewater generated by other industrial operations (including produced water and gas plant effluent generated from crude oil and natural gas exploration, development, and production operations) for hydrostatic testing and discharge under this general permit.

5. The Executive Director will deny an application for authorization under this general permit and may require that the applicant apply for an individual permit if the Executive Director determines that discharge activities will not maintain existing uses of receiving waters. Additionally, the Executive Director may cancel, revoke, or suspend authorization for discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit. The Executive Director shall deny or suspend a facility's authorization for discharge under this general permit based on a rating of "unsatisfactory performer" according to Commission rules in 30 TAC § 60.3, *Use of Compliance History*. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its authorization denied or suspended, in accordance with TWC § 26.040(h). Denial of authorization for discharge under this general permit will be done according to commission rules in 30 TAC Chapter 205, *General Permits for Waste Discharges*.
6. This general permit does not limit the authority of a home-rule municipality provided by Texas statute.
7. New sources or new discharges (as defined in 40 CFR § 122.2) of the constituent(s) of concern to impaired waters are not authorized by this general 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 current version of the *Texas Integrated Report of Surface Water Quality*, and waterbodies listed on the CWA § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.
8. Discharges of the constituent(s) of concern to impaired water bodies where there is a total maximum daily load (TMDL) implementation plan are not eligible for authorization under this general permit, unless they are consistent with the approved TMDL and the implementation plan. The Executive Director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for authorization under this general permit, the discharger must apply for and receive an individual permit or be authorized under another applicable general TPDES permit prior to discharging.
9. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this general permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.
10. This general permit does not authorize the discharge of polychlorinated biphenyl compounds (PCBs). Documentation that PCBs are not present in pipelines shall be made available to the executive director upon request for all pipelines which have been in use for transmission of natural gas. Such documentation shall consist of a certification that either the pipeline has been tested for, and found to be free of PCBs, or that compressors or other equipment that contained PCBs were never used on the pipeline. Applicants seeking to discharge hydrostatic test waters from natural gas pipelines must certify in the NOI that the pipeline has been tested and certified free of PCBs, or

compressors and other equipment that contained PCBs were never used on the pipeline.

11. Discharge of cleaning wastewater or rinsing wastewater generated prior to filling a vessel with water for hydrostatic testing; and any materials generated from pigging, utilizing compressed air, pressure washing, or other cleaning techniques are not authorized for discharge under this general permit.

Section C. Application for Authorization

1. Unless specifically exempted from the notification requirements under Part II, Section C.4., applicants seeking authorization to discharge under this general permit must submit a Notice of Intent (NOI) using the online e-permitting system available through the TCEQ website or request and obtain an electronic reporting waiver. Electronic reporting waivers are not transferable and expire on the same date as the authorization to discharge. The NOI shall, at a minimum, include:
 - a. legal name and address of the owner and operator;
 - b. facility name and address, including a specific description of its location;
 - c. type of facility or discharges, including materials contained in the vessel being hydrostatically tested); and
 - d. receiving waters.

Permittees authorized under the previous general permit effective October 21, 2020, are required to submit a new NOI under the reissued general permit.

2. Submission of an NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit.
 - a. For electronic submittal of NOIs, provisional authorization to discharge under the terms and conditions of this general permit begins immediately after TCEQ confirms receipt of the electronic NOI.
 - b. For paper NOIs, provisional authorization begins 48 hours after a completed NOI is postmarked for delivery to TCEQ. The NOI shall be submitted to the address indicated on the NOI form. Following review of the NOI, the Executive Director will:
 - (1) determine that the NOI is complete and confirm authorization by providing a written notification and an authorization number;
 - (2) determine that the NOI is incomplete and request additional information needed to complete the NOI; or
 - (3) deny authorization in writing. Denial of authorization will be made in accordance with 30 TAC § 205.4, Authorizations and Notices of Intent.
 - c. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) must provide a copy of the NOI, or electronic equivalent, to the operator of the system at the same time an NOI is submitted to TCEQ.

3. For discharges located in areas regulated by 30 TAC Chapter 213, *Edwards Aquifer*, an authorization to discharge under this general permit is separate from the requirements of that chapter. Discharge may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements in that chapter are met. For discharges located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional offices shown below. The applicant may not discharge until authorization is received from the regional office.

Counties: Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, and Williamson
 Contact: TCEQ Edwards Aquifer Protection Program Manager
 Austin Regional Office
 P.O. Box 13087
 Austin, TX 78711-3087
 (512) 339-2929

4. An NOI is not required if the discharger complies with all applicable permit conditions and:
 - a. the discharge is from a vessel listed in Part II.A.1 - 3; or
 - b. the discharge is from a vessel listed in Part II.A.4 and is land applied in accordance with the requirements of Part III, Section C of this general permit. Authorization for land application of hydrostatic test waters from crude oil and natural gas exploration, development, and production operations remains under the regulatory jurisdiction of the RRC.
5. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity changes, then both the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the change. Permittees discharging to an MS4 must submit a copy of the NOT, or electronic equivalent, to the operator of the system at the same time the NOT is submitted to TCEQ.
6. If the owner or operator becomes aware that he or she failed to submit any relevant facts, or submitted incorrect information, or if relevant information provided in the NOI changes (for example, phone number, address, outfall information, type of facility or discharges, or the receiving waters), the correct information must be provided to the Executive Director in a Notice of Change (NOC) within 14 days after discovery. Permittees must submit an NOC using the online e-permitting system available through the TCEQ website unless the permittee obtains an electronic reporting waiver. Permittees discharging to an MS4 must submit a copy of any NOC, or electronic equivalent, to the operator of the system at the same time the NOC is submitted to TCEQ.

Section D. Termination of Authorization

A permittee shall terminate authorization under this general permit through the submittal of an NOT, when the owner or operator of the facility changes; the discharge becomes authorized under an individual permit; the use of the property changes and is no longer subject to regulation under this general permit; or the discharge becomes unnecessary, is delayed, or is completed. Permittees must submit an NOT using the

online e-permitting system available through the TCEQ website unless the permittee obtained an electronic reporting waiver. For electronic submission of the NOT, authorization to discharge under this general permit terminates immediately after TCEQ confirms receipt of the electronic NOT. For paper submission of the NOT, authorization to discharge terminates on the day that an NOT is postmarked for delivery to TCEQ. Compliance with the conditions and requirements of this general permit is required until an NOT is submitted. Permittees discharging to an MS4 must submit a copy of the NOT, or electronic equivalent, to the operator of the system at the same time the NOT is submitted to TCEQ.

Section E. Authorization Under a TPDES or TLAP Individual Permit

1. Discharges eligible for authorization under this general permit may alternatively be authorized under an individual permit according to 30 TAC Chapter 305, *Consolidated Permits*.
2. When an individual permit is issued for a discharge that is currently authorized under this general permit, the permittee shall submit an NOT to the Executive Director. The authorization under this general permit will be terminated when the Executive Director receives the NOT.
3. Discharges from facilities currently authorized under a TPDES individual permit, and discharges from facilities currently authorized under another general permit, may only be authorized under this TPDES general permit if the following conditions are met:
 - a. the discharges meet the applicability and eligibility requirements for authorization under this general permit;
 - b. the current TPDES individual permit does not contain numeric water quality-based effluent limitations for the discharge (unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated);
 - c. the Executive Director has not determined that continued authorization under a TPDES individual permit is required based on consideration of a total maximum daily load (TMDL) model, anti-backsliding policy, history of substantive noncompliance, or other site-specific considerations;
 - d. a previous application or permit for the discharge has not been denied, terminated, or revoked by the Executive Director as a result of enforcement or water quality-related concerns. The Executive Director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator; and
 - e. the applicant requests cancellation of the existing individual permit within 30 days after notice that authorization under this general permit is effective.
4. Discharges of hydrostatic test water from new outfalls at facilities authorized under a TPDES individual permit, or under a different general permit, may be authorized under this general permit if the following conditions are met:
 - a. the proposed discharges meet the applicability and eligibility requirements for authorization under this general permit;

- b. the current TPDES individual permit does not contain numeric water quality-based effluent limitations for discharges that are similar in nature to the proposed discharge (unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated);
- c. the Executive Director has not determined that authorization under a TPDES individual permit is required based on consideration of a TMDL model, history of substantive non-compliance, or other site-specific considerations; and
- d. a previous application or permit for the proposed discharge has not been denied, terminated, or revoked by the Executive Director as a result of enforcement or water quality-related concerns. The Executive Director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator.

Section F. Permit Expiration

1. This general permit is effective until midnight on April 5, 2030. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. This general permit may be amended, revoked, cancelled, or renewed by the Commission after notice and comment as provided by 30 TAC § 205.3 and § 205.5.
2. If the commission proposes to reissue this general permit before the expiration date, the general permit shall remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC Chapter 205. The general permit shall remain in effect for these discharges until the date on which the commission takes final action on the proposal to reissue this general permit. However, no new authorizations may be issued under the general permit after the expiration date.
3. Upon issuance of a renewed or amended general permit, all facilities, including those covered under the expired general permit, shall submit an NOI (excluding those facilities which are not required to submit an NOI under Part II, Section C.4) according to the requirements of the new general permit, obtain a TPDES individual permit, or obtain a TLAP for those discharges.
4. If the commission does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under an individual permit or, if applicable, an alternative general permit. If the application for an individual permit or alternative general permit is submitted before the general permit expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit or alternative general permit.

Part III. Permit Requirements

Section A. Effluent Limitations

1. Discharges of hydrostatic test water into water in the state from vessels described in Part II.A.1 - 3 are subject to the following effluent limitation if the hydrostatic test water has been hyperchlorinated:

Parameter	Daily Maximum Limitations	Daily Average Limitations	Sample Type	Monitoring Frequency
Total Residual Chlorine	0.10 mg/L	Report	Grab	Two/Discharge ¹

¹ One sample shall be taken during the first hour of discharge. For discharges that extend beyond an hour in duration, a second sample shall be taken of the last 10% of the effluent. Samples must be collected at a point immediately following discharge from the vessel (or following treatment) and prior to commingling with stormwater, wastewater, or other flows.

2. Discharges of hydrostatic test water into water in the state from existing vessels that previously contained petroleum substances or natural gas substances, or waste related to petroleum substances or natural gas substances are subject to the following effluent limitations:

Parameter	Daily Maximum Limitations	Daily Average Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons ¹	15 mg/L	Report	Grab	Two/discharge ²
Benzene	0.05 mg/L	Report	Grab	Two/discharge ²
Total BTEX ³	0.50 mg/L	Report	Grab	Two/discharge ²
Total Lead ⁴	0.10 mg/L ⁵	Report	Grab	Two/discharge ²
Total Lead ⁴	0.02 mg/L ⁵	Report	Grab	Two/discharge ²
pH	Between a minimum of 6.0 and a maximum of 9.0 Standard Units		Grab	Two/discharge ²

¹ Total petroleum hydrocarbons must be analyzed using TCEQ Method 1005.

² One sample shall be taken during the first hour of discharge. For discharges that extend beyond an hour in duration, a second sample shall be taken of the last 10% of the effluent. Samples must be collected at a point immediately following discharge from the vessel (or following treatment) and prior to commingling with stormwater, wastewater, or any other flows.

³ Total BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.

⁴ If the vessel containing the wastewater to be discharged has never contained lead or lead additives, there is no requirement to sample and analyze for total lead.

⁵ The daily maximum limitation for total lead is 0.02 mg/L for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For all other counties in the state, the daily maximum limitation is 0.10 mg/L.

Minimum analytical levels (MALs) are established for the following parameters included in the tables above. By establishing MALs, TCEQ is not requiring use of

a specific analytical test method, nor is TCEQ requiring analytical results to be submitted where the laboratory test was run to achieve the MAL. When an analysis of an effluent sample for a pollutant listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero shall be used for that measurement. When an analysis of an effluent sample for a pollutant indicates no detectable levels and the test method detection level is not as sensitive as the specified MAL, the level of detection achieved shall be used for that measurement. A zero may not be used.

Pollutant	MAL
Total Lead	0.0005 mg/L
Benzene	0.010 mg/L
Toluene	0.010 mg/L
Ethylbenzene	0.010 mg/L
Total Xylenes	0.010 mg/L
Total Residual Chlorine	0.033 mg/L

3. If an authorized vessel fails the hydrostatic test and an additional hydrostatic test is required, no additional analyses are required if:
 - a. the retest is within 30 days of the initial test;
 - b. no exceedances of permit limitations occurred during the initial discharge; and
 - c. no additional pollutants were added to the vessel.

Section B. General Requirements

1. The discharge shall be to a splash pad, a paved area, or other alternative surface to prevent erosion. The rate of discharge shall be controlled through best management practices to prevent flooding and erosion.
2. Mixing zones shall not encompass an intake for a domestic drinking water supply, and the discharge may not be located within 300 feet of the intake for a domestic drinking water supply.
3. The discharge must be a minimum distance of 500 feet from any water well and shall be conducted to minimize the potential of contamination to all public and private wells.
4. There shall not be any free product or natural gas substance present in the vessel during a hydrostatic test.
5. The addition of chemicals, except chlorine or tracer dyes, to the vessel being hydrostatically tested is prohibited by this general permit.
6. Prior to conducting a hydrostatic test on steel pipelines, the pipeline shall be free from any kind of welding scrap or other foreign material.
7. There shall be no discharge of floating solids or visible foam other than in trace amounts, and no discharge of visible oil.
8. The discharge shall 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.

9. Facilities which generate industrial solid wastes, as defined in 30 TAC § 335.1, shall comply with the provisions of 30 TAC Chapter 335, *Industrial Solid Waste and Municipal Hazardous Waste*. If the requirements of 30 TAC Chapter 335 do not apply, the solid wastes shall be disposed of in accordance with the 30 TAC Chapter 330, *Municipal Solid Waste*.
10. The permittee shall take necessary steps to prevent adverse effects to human health, safety, or the environment. The permittee shall immediately cease discharging whenever it is determined that the discharge may endanger human health, safety, or the environment.
11. Disposal of hydrostatic test water shall be done in such a manner as to prevent nuisance conditions.
12. The permittee shall provide the following noncompliance notifications:
 - a. According to 30 TAC § 305.125(9), *Standard Permit Conditions*, any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to TCEQ. Report of such information shall be provided orally or by email to the appropriate TCEQ regional office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the appropriate TCEQ regional office and TCEQ's Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report shall contain:
 - (1) a description of the noncompliance and its cause;
 - (2) the potential danger to human health or safety, or the environment;
 - (3) the period of noncompliance, including exact dates and times;
 - (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (5) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and to mitigate its adverse effects.
 - b. If the analytical results indicate a violation of one or more of the permitted effluent limitations, the permittee shall submit a Discharge Monitoring Report (DMR) by the 20th day of the month following the discharge. Effluent limitation violations shall be reported using the NetDMR reporting system available through the TCEQ website or an approved DMR form (EPA No. 3320-1) to TCEQ Enforcement Division (MC-224) if the permittee has obtained an electronic reporting waiver.

Any effluent violation that deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the appropriate TCEQ regional office and TCEQ's Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance.

- c. Any noncompliance other than those specified in paragraphs (a) and (b) above, or any required information not submitted or submitted incorrectly, shall be reported to TCEQ's Enforcement Division (MC-224) as promptly as possible.
- 13. The permittee shall notify the appropriate TCEQ regional office in writing at least 48 hours prior to initiating the discharge.
- 14. When the discharge originates within the boundaries of an MS4, the permittee shall notify the appropriate MS4 operator in writing at least 48 hours prior to initiating the discharge.

Section C. Land Application

Discharges adjacent to water in the state, such as land application, are authorized under state authority in Texas Water Code Chapter 26. Land application of hydrostatic test water shall comply with the following requirements and are not subject to numerical effluent limitations. This section does not apply to crude oil and natural gas operations regulated under the authority of the RRC.

- 1. Land application shall not occur when the ground is frozen, the ground has standing water, the ground is saturated, during rainfall events, or within 24 hours of a rainfall event of 0.5 inch or greater during a 24-hour period.
- 2. Land application shall not result in runoff, ponding of effluent, contamination of ground and surface waters, or occurrence of nuisance conditions in the area.
- 3. Hydrostatic test water shall not be land applied within 500 feet of any water well and shall be conducted to minimize the potential of contamination to all public and private wells.
- 4. For land application of hydrostatic test water adjacent to water in the state from existing vessels that previously contained petroleum substances or natural gas substances, or waste related to petroleum substances or natural gas substances, the follow additional requirements apply:
 - a. Land application shall only occur on non-public access land,
 - b. Land application shall not occur on food crops for human consumption,
 - c. Land application shall not occur on fallow land,
 - d. Hydrostatic test water shall not be land applied within 100 feet of any surface water in the state, and
 - e. Hydrostatic test water shall not be land applied to soils when groundwater is within 4 feet of the ground surface.
- 5. The permittee shall maintain vegetation in the land application area.
- 6. There shall be no land application of hydrostatic test water containing floating solids or visible oil sheen. The hydrostatic test water shall not exhibit foaming of a persistent nature as required by 30 TAC § 307.4(b)(6), *Aesthetic Parameters*.
- 7. Solid wastes shall be disposed of following the requirements of the 30 TAC Chapter 330, *Municipal Solid Waste*, and 30 TAC Chapter 335, *Industrial Solid Waste and Municipal Hazardous Waste*.

8. The permittee shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The permittee shall immediately cease land application whenever it is discovered that land application activities may endanger human health or safety, or the environment. The problem shall be reported following the requirements in Part III, Section B.12 of this general permit.

Part IV. Standard Permit Conditions

1. The permittee has a duty to comply with all conditions in this general permit. Failure to comply with any condition is a violation of the general permit and the statutes under which the general permit was issued. Any violation may be grounds for enforcement action, for terminating authorization under this general permit, or for requiring a permittee to apply for and obtain either a TPDES individual permit or a TLAP.
2. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted discharge to maintain compliance with conditions of the general permit.
3. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with conditions of the general permit. Proper operation and maintenance also include adequate laboratory and process controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.
4. The permittee shall furnish any information, at the request of the Executive Director, 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.
5. The permittee shall give notice to the Executive Director before physical alterations or additions to the permitted facility if such alterations would result in a violation of the general permit requirements.
6. Inspection and entry shall be allowed under Chapter 26 of the TWC; Texas Health and Safety Code, §§ 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 shall 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.
7. Standard monitoring and reporting requirements are as follows:
 - a. Samples shall be collected, and measurements shall be taken at times and in a manner that is representative of the monitored discharge.
 - b. All samples must be collected according to the latest edition of "Standard Methods for the Examination of Water and Wastewater" (prepared and published jointly by the American Public Health Association, the

American Water Works Association, and the Water Environment Federation), or the EPA's, "Methods for Chemical Analysis of Water and Wastes" (1979), or the EPA's, "Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents" (1973).

- c. Sample containers, holding times, preservation methods, and analytical methods, shall either follow the requirements in 40 CFR Part 136, or the latest edition of "Standard Methods for the Examination of Water and Wastewater".
- d. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
- e. The sampling point must be downstream of any treatment unit or treatment technique that is used to improve or otherwise alter the quality of the discharge, and prior to the hydrostatic test water commingling with any other wastewater, stormwater, or other flows.
- f. Analytical results for determining compliance with effluent limitations shall be recorded on a DMR form (EPA No. 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit. Analytical results shall be submitted only as required by Part III.B.12 of the general permit online using the NetDMR reporting system available through the TCEQ website or the TCEQ's Enforcement Division (MC 224) with an approved waiver. The permittee shall maintain the DMR record as required by Part IV.9 of this general permit. The DMR for any given month shall be due by the 20th day of the following month. The DMR for annual tests shall be due by March 31st of the following year. DMRs must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III, Section B.9 of this permit.
- g. 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*.
- h. Records of monitoring activities shall include:
 - (1) date, time, and place of sample or measurement;
 - (2) identity of individual who collected the sample or made the measurement;
 - (3) date and time of laboratory analysis;
 - (4) identity of the individual and laboratory that performed the analysis;
 - (5) the technique or method of analysis;
 - (6) the results of the analysis or measurement; and
 - (7) quality assurance/quality control records.
- i. If the permittee monitors any pollutant in a discharge more frequently than required by the general permit using approved analytical methods as specified in Part IV.7 of this general permit, all results of such monitoring shall be included in the calculation and recording of the

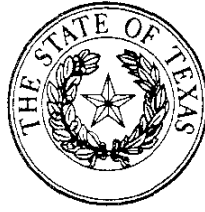
values on the DMR. Increased frequency of sampling shall be indicated on the DMR.

8. All NOIs, NOTs, NOCs, or other information requested by the Executive Director shall meet the requirements of 30 TAC § 305.44, *Signatories to Applications*. All reports requested by the executive director shall meet the requirements of 30 TAC § 305.128, *Signatories to Reports*.
9. The permittee shall retain copies of all records required by this general permit, including monitoring records and records related to the application or any certification requirements, for a period of three years from the date of the record. This period may be extended at the request of the Executive Director. The records shall be retained at the facility or be readily available for review by TCEQ personnel upon request.
10. 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.
11. This general permit does not convey any property rights of any sort, or any exclusive privilege.
12. 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.
13. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including, but not limited to, the following:
 - a. violating CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a general permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA § 402(a)(3) or (b)(8);
 - b. intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this general permit; and
 - c. intentionally or knowingly makes or causes 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 V. Fees

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

TEXAS COMMISSION
ENVIRONMENTAL



ON
QUALITY

A RESOLUTION in the matter of a Renewal of a Texas Pollutant Discharge Elimination System General Permit Authorizing Hydrostatic Test Water Discharges; General Permit No. TXG670000; TCEQ Docket No. 2024-1622-MIS

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

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

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

WHEREAS, a renewal of a Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing discharges of hydrostatic test water from new vessels; vessels which contained raw water, potable water, or elemental gases; or vessels which contained petroleum substances or waste related to petroleum substances, was drafted and proposed by the Executive Director and is attached as Exhibit A;

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

WHEREAS, the Commission reviewed in accordance with Texas Natural Resources Code, §33.205 and 30 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 March 13, 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

Brooke Paup, Chairwoman

Date Signed