

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** September 5, 2025

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

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

**Subject:** Docket No. 2025-0210-MIS/Non-Rule Project No. 2024-036-OTH-NR  
Revised Back-up for Commission Approval for General Permit Adoption  
Renewal with Amendment of General Permit No. TXG640000  
~~Strikethrough Revised Version of the Executive Summary and Fact Sheet.~~

In the revised back-up package filed for Non-Rule Project No. 2024-036-OTH-NR/Renewal with Amendment of General Permit No. TXG640000, the agency is adding detail to proposed changes from the existing general permit described in the executive summary and under Section V. of the fact sheet. Item 1 was revised to clarify that a monitoring frequency and sample type were added. Item 11 was revised to clarify use of a DMR form (EPA No. 3320-1).

**Attachments:**  
Revised Executive Summary and Fact Sheet

cc: Chief Clerk, 2 copies  
Executive Director's Office  
Patrick Lopez  
Krista Kyle  
Jessie Powell  
Office of General Counsel  
Shannon Gibson  
Michael Parr  
Gwen Ricco

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** August 22, 2025

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

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

**Docket No.:** 2025-0210-MIS

**Subject:** General Permit: Commission Approval for Adoption  
Renewal with Amendment of General Permit No. TXG640000  
Project Number: 2024-036-OTH-NR

### Summary and background:

This is a renewal with amendment of the existing Texas Pollutant Discharge Elimination System (TPDES) general permit that authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. This renewal replaces the current permit when it expires on October 12, 2025.

### Basic requirements:

#### A. Applicability

TPDES General Permit No. TXG640000 regulates the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. The general permit specifies which facilities may be authorized under this general permit and those that must be authorized by individual permit, another general permit, or another authorization type.

The general permit does not authorize the discharge of treated domestic wastewater; wastewater generated as a result of reverse osmosis, ion exchange, or any other desalination process; or wastewater generated as a result of water treatment processes regulated in 30 TAC §290.42(g), except for water treatment using ultraviolet light; land application or disposal of water treatment residuals; or the distribution and marketing of water treatment residuals.

#### B. Permit Requirements

Applicants that discharge wastewater into water in the state must submit a Notice of Intent (NOI) to TCEQ to obtain authorization under the general permit. Provisional coverage will begin 48-hours after the postmark date. An NOI is not required for discharges of wastewater adjacent to water in the state.

Discharges into water in the state are subject to numeric effluent limitations for total chlorine residual, total suspended solids, and pH, and permittees are required to report flow. Monitoring frequency and sample type are based on flow volume. The general permit would require permittees to handle and dispose of water treatment residuals in accordance with 30 TAC Chapter 312, Subchapter F, or 30 TAC Chapter 330, depending on the method of final disposition, and all other applicable state and federal regulations. Water treatment residuals must be

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analyzed for Toxicity Characteristic Leaching Procedure prior to disposal but not more than once per year.

**C. Fees**

The NOI application fee is \$350. There is no fee for the submission of a Notice of Termination (NOT) or Notice of Change (NOC).

The annual water quality fee is based on the facility's daily average flow as follows:

Daily Average Flow (Million Gallons per Day)	Annual Fee
< 0.25	\$1,250
≥ 0.25 < 0.75	\$2,500
≥ 0.75 < 1.0	\$4,500
≥ 1.0 < 2.0	\$7,000
≥ 2.0 < 5.0	\$20,000
≥ 5.0 < 10.0	\$35,000
≥ 10.0 < 15.0	\$50,000
≥ 15.0	\$75,000

**Number of current/expected authorizations:**

Currently, there are 38 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. Add a daily maximum effluent limitation requiring that discharges be dechlorinated to less than 0.1 mg/L total chlorine residual prior to discharge, when using chlorination for disinfection purposes, as well as a monitoring frequency and sample type.
2. Revise the term 'sludge' to 'water treatment residuals' or 'residuals' under Part I, Section B, and Part III, Section C, for consistency with Section C terms currently used in individual permits for conventional water treatment facilities. Also, a definition for the term 'water treatment residuals' was added which references 30 TAC §312.8(105) relating to *General Definitions* for clarification.
3. Revised Part II, Section B.5 to clarify that the Railroad Commission of Texas no longer regulates discharges into or adjacent to water in the state from crude oil facilities, effective September 1, 2025.
4. Revise Part II, Section B.7, 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.
5. Update Part II, Section C.5, with current contact information for the Edwards Aquifer Protection Program and corrected the counties listed in the general permit for consistency with requirements under 30 TAC Chapter 213, Edwards Aquifer.
6. Update Part III, Section B.8.a, to add the option for email and clarify the mailing address for submission of written reports.
7. Update Part III, Section B.8.b, to clarify discharge monitoring report (DMR) submittal requirements for effluent limitation violations using the NetDMR reporting system or an approved DMR form by obtaining an electronic reporting waiver.

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8. Revise Part III, Section C.1.d(1) to include an option for facilities to recycle excess water from the water treatment residuals lagoon(s) in a manner consistent with 30 TAC §290.42(d)(3)(A), related to Water Treatment, instead of maintaining a minimum of two feet of freeboard.
9. Update Part III, Section C.4 to specify TCEQ's Waste Permits Division for submittal of the written report for water treatment residuals. The division previously listed for receipt of this report no longer exists.
10. Revise Part III, Section D, to include the following requirements (III.D.12 and III.D.13) that were previously identified in the fact sheet for the issued permit but omitted from the permit itself:
  - Land application rates shall not exceed 1.6 acre-feet per year per acre irrigated.
  - The permittee shall annually collect a representative soil sample from each irrigation area that received wastewater application during the year. Soil samples shall be analyzed for pH [2:1 (v/v) water/soil mixture]; electrical conductivity [2:1 (v/v) water/soil mixture]; total Kjeldahl nitrogen (TKN); total nitrogen (organic-nitrogen + nitrate-nitrogen + ammonium-nitrogen); nitrate-nitrogen (from a 1 N KCl soil extract); plant-available phosphorus [Mehlich III with inductively coupled plasma], and plant-available potassium [Mehlich III]. The nutrient parameters shall be reported on a dry weight basis in mg/kg; electrical conductivity, in mmho/cm [same as deciSiemens/meter (dS/m)]; and pH, in standard units.
11. Revise Part IV.7.f to clarify reporting and signature requirements for annual tests, and use of DMR form (EPA No. 3320-1).
12. Revise Part IV.8 to clarify signature requirements for other information requested by the executive director.
13. Update the definition of Water in the State to specify the "Gulf of America."
14. Other non-substantive editorial corrections and updates.

**Stakeholder involvement:**

The status of this permit renewal will be 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.

A letter was sent to facilities currently authorized under the general permit advising them on the upcoming renewal and providing an opportunity to submit preliminary comments. Preliminary comments were received from one entity, North Texas Municipal Water District, requesting the draft permit be revised to allow for a combined outfall daily average flow limit at water treatment plants that have multiple outfalls, remove the freeboard requirement for water treatment residuals lagoons, update the term "sludge" to "residuals", and add a definition for the term "water treatment residuals."

In response to preliminary comments received, the draft permit was revised to include an option for excess water in the water treatment residuals lagoon(s) to be recycled in a manner consistent with 30 TAC §290.42(d)(3)(A), relating to *Water Treatment*, instead of meeting the existing minimum freeboard requirement of two feet. The draft permit has also been updated to use the term "residuals" and include a definition for the term "water

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treatment residuals.” The draft permit was not revised to include a combined outfall daily average flow limit because the existing permit contains monitoring and reporting requirements for flow and not a daily average limitation for flow at individual outfalls.

**EPA Review:**

On September 20, 2024, the draft permit was sent to the EPA for their review. TCEQ received a no objection letter from the EPA with approval to proceed with the issuance of the draft general permit on December 19, 2024.

**Public comment:**

A public notice was published in the *Houston Chronicle* on March 7, 2025. A hybrid virtual and in-person public meeting was held at TCEQ on April 7, 2025. The meeting was attended by 5 stakeholders, 2 attended in person and 3 attended virtually. The public comment period closed on April 7, 2025. The public notice was republished in the *Texas Register* on April 25, 2025 because of a publication error. A second hybrid virtual and in-person public meeting was held at TCEQ on May 21, 2025. No stakeholders attended the second public meeting and the public comment period reclosed on May 27, 2025.

Timely public comments were received from Harris County Pollutant Control Services regarding the meaning of discharge “adjacent to water in the State” and NOI requirements, effluent limitation, and monitoring frequencies for disposal via land application activities. A response to public comments (RTC) document was prepared. No changes were made to the draft permit in response to public comments received.

**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 ePermits system

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

Published notice in the newspaper: March 7, 2025.

Published notice in the *Texas Register*: March 7, 2025 and April 25, 2025.

Public comment period ended: April 7, 2025 and May 27, 2025.

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Scheduled Commission Agenda Date: September 10, 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;
- TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state; and
- TWC, §26.040, which provides the commission with authority to amend rules to authorize waste discharges by general permit.

**Agency Contacts:**

Shannon Gibson, Project Manager, Water Quality Division, (512) 239-4284  
Allie Soileau, Staff Attorney, Environmental Law Division, (512) 239-6033  
Gwen Ricco, Texas Register Coordinator, General Law Division, (512)239-2678

Attachments: Draft Permit, Fact Sheet, and RTC

## FACT SHEET AND EXECUTIVE DIRECTOR'S FINAL DECISION

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For Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXG640000 to discharge wastewater generated at water treatment facilities 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  
Water Quality Division

Date: September 2025

Permit Action: Renewal with Amendment

### I. Summary

The Texas Commission on Environmental Quality (TCEQ or commission) is issuing a renewal and amendment of Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state.

### II. Executive Director's Recommendation

The Executive Director has made a final decision that this permit, if issued, meets all statutory and regulatory requirements. It is proposed that the permit will expire five years from the effective date in accordance with the requirements of 30 Texas Administrative Code (TAC) § 205.5(a).

### III. Permit Applicability

1. This general permit authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. The 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 of treated domestic wastewater; wastewater generated as a result of reverse osmosis, ion exchange, any other desalination process; or wastewater generated as a result of water treatment processes regulated in 30 TAC §290.42(g), except for water treatment using ultraviolet light. An individual permit is required for the discharge of these types of wastewater.
  - b. Land application or disposal of water treatment residuals. This general permit does not authorize the distribution and marketing of water treatment residuals. A separate authorization is required for these activities.
  - c. Discharges prohibited by 30 TAC Chapter 213, *Edwards Aquifer*, or 30 TAC Chapter 311, *Watershed Protection*.

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- d. Discharges into or adjacent to water in the state (e.g., land application) from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
  - e. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305, *Consolidated Permits*, and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed as category 4 or 5 in the current version of the Texas Integrated Report of Surface Water Quality, and waterbodies on the Clean Water Act (CWA) § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.
  - f. 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.
  - g. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure the protection of endangered or threatened species is achieved.
3. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit nor an individual wastewater permit:
- a. recycling of the wastewater with no resulting discharge into or adjacent to water in the state;
  - b. pumping and hauling of the wastewater to an authorized disposal facility;
  - c. discharge to a publicly owned treatment work (POTW);
  - d. underground injection in accordance with 30 TAC Chapter 331, *Underground Injection Control*; or
  - e. discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the state.

**IV. Permit Conditions and Effluent Limitations**

1. The following effluent limitations apply to wastewater discharged into water in the state:

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Parameter	Daily Average Limitations	Daily Maximum Limitations
Flow, million gallons per day (MGD)	Report	Report
Total Suspended Solids (TSS)	25 mg/l	45 mg/l
pH, Standard Units (S.U.)	NA	6.0 - 9.0 S.U.
Total Chlorine Residual <sup>1</sup>	NA	0.1 mg/l

<sup>1</sup> When chlorinating.

Monitoring Frequency and Sample Type are based on outfall Daily Average Flow, as follows:

Parameter	Daily Avg Flow < 1.0 MGD	Daily Avg Flow ≥ 1.0 MGD and < 5.0 MGD	Daily Avg Flow ≥ 5.0 MGD
Flow <sup>1</sup>	Five/week Instantaneous	Five/week Totalizing Meter	Five/week Totalizing Meter
TSS <sup>1</sup>	One/week Composite	Two/week Composite	Two/week Composite
pH <sup>1</sup>	One/month Grab	One/week Grab	Five/week Grab
Total Chlorine Residual <sup>1</sup>	Five/week Grab	One/day Grab	One/day Grab

<sup>1</sup> When discharging.

2. The general permit requires permittees to handle and dispose of water treatment residuals in accordance with 30 TAC Chapter 312 Subchapter F or 30 TAC Chapter 330, depending on the method of final disposition, and all other applicable state and federal regulations. Water treatment residuals must be analyzed for Toxicity Characteristic Leaching Procedure prior to disposal but not more than once per year.
3. Discharges adjacent to water in the state (ie. land application of wastewater) must comply with the following:
  - 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 after 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. Land application rates shall not exceed 1.6 acre-feet per year per acre irrigated.
  - d. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of wastewater applied.
  - e. The permittee shall annually collect a representative soil sample from each irrigation area that received wastewater application during the year. Soil

samples shall be analyzed for pH, conductivity, nitrate-nitrogen, total Kjeldahl nitrogen, total nitrogen, phosphorus, and potassium.

- f. The permittee shall own the land application area or maintain a long-term contract with the owner(s) of the land application area.
- g. Adequate signs shall be erected stating that the irrigation water is from a non-potable water supply.
- h. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
- i. Land application shall be accomplished only when the irrigation area is not in use.
- j. Permanent transmission lines shall be installed from the holding pond to each tract of land to be irrigated from that pond.
- k. Wastewater shall not be land applied within 150 feet of any private water well or within 500 feet of a public water supply well.
- l. The permittee shall maintain actively growing vegetation in the land application area.
- m. 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.

## **V. Change From Existing General Permit**

- 1. Added a daily maximum effluent limitation under Part III, Section A.1., that requires discharges be dechlorinated to less than 0.1 mg/L total chlorine residual prior to discharge, when chlorination is used for disinfection purposes, as well as a monitoring frequency and sample type.
- 2. Revised the term 'sludge' to 'water treatment residuals' or 'residuals' under Part III, Section C, for consistency with terms currently used in individual permits for conventional water treatment facilities. A definition for the term 'water treatment residuals' was also added for clarification and references 30 TAC § 312.8(105) relating to *General Definitions*.
- 3. Revised Part II, Section B.5 to clarify that the Railroad Commission of Texas no longer regulates discharges into or adjacent to water in the state from crude oil facilities, effective September 1, 2025.
- 4. Revised Part II, Section B.7, 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.

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General Permit Number TXG640000

5. Updated Part II, Section C.5, with current contact information for the Edwards Aquifer Protection Program and corrected the counties listed in the general permit for consistency with requirements under 30 TAC Chapter 213, *Edwards Aquifer*.
6. Added a statement under Part III, Section A.1 to clarify that wastewater discharged adjacent to the water in the state (i.e., land applied) does not need to meet the effluent limitations of the section.
7. Updated Part III, Section B.8.a, to add the option for email and clarify the mailing address for submission of written reports.
8. Updated Part III, Section B.8.b, to clarify discharge monitoring report (DMR) submittal requirements for effluent limitation violations using the NetDMR reporting system or an approved DMR form by obtaining an electronic reporting waiver.
9. Modified Part III, Section D, item 11 to remove repeated provision language and clarify that the permittee is responsible for providing equipment to determine the application rate.
10. Revised Part III, Section C.1.d(1) to include an option for facilities to recycle excess water from the water treatment residuals lagoon(s) in a manner consistent with 30 TAC § 290.42(d)(3)(A), related to Water Treatment, instead of maintaining a minimum of two feet of freeboard.
11. Updated Part III, Section C.4 to specify TCEQ's Waste Permits Division for submittal of the written report for water treatment residuals. The division previously listed for receipt of this report no longer exists.
12. Revised Part III, Section D, to include the following requirements (III.D.12 and III.D.13) were previously identified in the fact sheet for the issued permit but omitted from the permit itself:
  - Land application rates shall not exceed 1.6 acre-feet per year per acre irrigated.
  - The permittee shall annually collect a representative soil sample from each irrigation area that received wastewater application during the year. Soil samples shall be analyzed for pH [2:1 (v/v) water/soil mixture]; electrical conductivity [2:1 (v/v) water/soil mixture]; total Kjeldahl nitrogen (TKN); total nitrogen (organic-nitrogen + nitrate-nitrogen + ammonium-nitrogen); nitrate-nitrogen (from a 1 N KCl soil extract); plant-available phosphorus [Mehlich III with inductively coupled plasma], and plant-available potassium [Mehlich III]. The nutrient parameters shall be reported on a dry weight basis in mg/kg; electrical conductivity, in mmho/cm [same as deciSiemens/meter (dS/m)]; and pH, in standard units.
13. Revised Part IV.7.f to clarify reporting and signature requirements for annual tests, and use of DMR form (EPA No. 3320-1).
14. Revised Part IV.8 to clarify signature requirements for other information requested by the executive director.

15. Update the definition of Water in the State to specify the “Gulf of America.”
16. Other non-substantive editorial corrections and updates.

## **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 (MC-148)  
P.O. Box 13087  
Austin, TX 78711-3087  
(512) 239-4284

Supplementary information on this fact sheet is organized as follows:

- VI. Legal Basis
- VII. Regulatory Background
- VII. Permit Coverage
- IX. Technology-based Requirements
- X. Water Quality-based Requirements
- XI. Monitoring
- XII. Procedures for Final Decision
- XIII. 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 develop and issue general permits.

On September 14, 1998, TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the TPDES Program. TCEQ and 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.

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.

EPA frequently adopts nationally applicable guidelines identifying the best practicable control technology (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (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 executive director proposes to issue the draft general permit which would authorize the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state.

## **IX. Permit Coverage**

The purpose of this general permit is to regulate the discharge of wastewater from conventional water treatment facilities. Conventional water treatment is the process of treating raw water using coagulation, flocculation, clarification, filtration, and disinfection. This general permit does not authorize the discharge of domestic sewage or wastewater generated as a result of reverse osmosis, ion exchange, or any other desalination process because those wastewaters may require site-specific water quality-based effluent limitations.

1. Facilities that discharge adjacent to water in the state (i.e., exclusively use land application of wastewater) are not required to submit a Notice of Intent (NOI) to obtain authorization under this general permit. These facilities must comply with all other requirements of this general permit.
2. Facilities that discharge into water in the state shall submit a completed NOI on a form approved by the executive director. The NOI must be submitted via the online e-permitting system available through TCEQ's website unless the applicant requests and obtains an electronic reporting waiver. Electronic reporting waivers are not transferable and expire on the same date as the authorization to discharge. The NOI shall include at a minimum the legal name and address of the owner and operator, the facility name and address, specific description of the location, wastewater design flow, outfall information, and the name of the receiving water(s).
3. 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. For electronic submittal of NOIs, provisional authorization to discharge under the terms and conditions of the general permit begins immediately after TCEQ confirms receipt of the electronic NOI. 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 shall either acknowledge 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 to the operator of the system at the same time an NOI is submitted to TCEQ.

4. 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

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 a MS4 must submit a copy of the NOT 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 in an NOI, the correct information must be provided to the Executive Director in a Notice of Change (NOC) within 14 days of discovery of the error. If relevant information provided in the NOI changes (e.g., permittee address, phone number, outfall information, design flow, Discharge Monitoring Report (DMR) contact, or billing contact) an NOC must be submitted within 14 days of the change. Permittees discharging to a MS4 must submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to TCEQ.

## **X. Technology-Based Requirements**

The existing effluent limitations and conditions of the draft general permit were originally 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 were originally based on BPJ. The existing parameters selected for BCT/BAT limits, including flow, total suspended solids, and pH are still consistent with individual permits issued to conventional water treatment plants, and have been carried forward in the draft general permit.

Wastewater discharges from conventional water treatment plants may be chlorinated for disinfection purposes. In these instances, an effluent limitation was added to the draft

general permit that requires discharges be dechlorinated to less than 0.1 mg/L total chlorine residual prior to discharge.

## **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*, an antidegradation review of the 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. It has been preliminarily determined that where 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 Code of Federal Regulations (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 Waterworks Association, and the Water Pollution Control Federation), or the Environmental Protection Agency's (EPA), *Methods for Chemical Analysis of Water and Wastes* (1979), or the EPA's, *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).
3. Sample containers, holding times, and preservation methods shall follow the requirements specified in 40 CFR Part 136, or the latest edition of *Standard Methods for 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.
6. 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 for determining compliance with effluent limitations shall be submitted online using the NetDMR reporting system available through TCEQ's

website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to TCEQ's Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in the 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. The DMRs must be signed in accordance with the requirements in Part IV.8 of the general permit. If non-compliance with an effluent limitation occurs, the permittee shall provide notification according to Part III, Section B.8 of the permit.

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 of laboratory analysis;
  - d. identity of the individual and laboratory who performed the analysis;
  - e. the technique or method of analysis; and
  - f. the results of the analysis or measurement.
8. If the permittee monitors any pollutant in a discharge more frequently than required by the permit using approved analytical methods as specified in Part IV.7.c. 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.

### **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 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.

Fact Sheet and Executive Director's Final Decision  
General Permit Number TXG640000

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 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 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 Conventional Water Treatment Plants (TXG640000) effective October 21, 2020
2. 40 Code of Federal Regulations (CFR) Citations  
40 CFR Parts 122, 124, 136
3. TCEQ Rules  
30 TAC Chapters 39, 205, 213, 281, 290, 305, 307, 312, 319, 331, and 335
4. Letters/Memoranda/Records of Communication  
TXG640000 Antidegradation Review, Interoffice Memorandum from the Standards Implementation Team dated July 9, 2024.  
TXG640000 Groundwater Protection Review, Interoffice Memorandum from the Water Quality Assessment Team dated August 7, 2024.
5. Miscellaneous  
TCEQ, *Implementation Procedures of the Texas Surface Water Quality Standards*, January 2010.  
Exec. Order No. 14,172, 90 Fed. Reg. 8629 (Jan. 31, 2025); U.S. Dept. of the Interior, Secretary Order No. 3423 (Feb. 7, 2025).

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

**AGENDA REQUESTED:** September 10, 2025

**DATE OF REQUEST:** August 22, 2025

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

**CAPTION: Docket No. 2025-0210-MIS.** Consideration of the adoption of the renewal with amendment of the Texas Pollutant Discharge Elimination System Conventional Water Treatment General Permit, TXG640000, which authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. Public notice of the proposed general permit was published in the April 25, 2025 issue of the *Texas Register* (50 TexReg 2639). (Shannon Gibson, Allie Soileau) (Non-Rule Project No. 2024-036-OTH-NR)



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**Director**



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**Deputy Director**

Gwen Ricco

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**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** August 22, 2025

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

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

**Docket No.:** 2025-0210-MIS

**Subject:** General Permit: Commission Approval for Adoption  
Renewal with Amendment of General Permit No. TXG640000  
Project Number: 2024-036-OTH-NR

### Summary and background:

This is a renewal with amendment of the existing Texas Pollutant Discharge Elimination System (TPDES) general permit that authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. This renewal replaces the current permit when it expires on October 12, 2025.

### Basic requirements:

#### A. Applicability

TPDES General Permit No. TXG640000 regulates the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. The general permit specifies which facilities may be authorized under this general permit and those that must be authorized by individual permit, another general permit, or another authorization type.

The general permit does not authorize the discharge of treated domestic wastewater; wastewater generated as a result of reverse osmosis, ion exchange, or any other desalination process; or wastewater generated as a result of water treatment processes regulated in 30 Texas Administrative Code (TAC) §290.42(g), except for water treatment using ultraviolet light; land application or disposal of water treatment residuals; or the distribution and marketing of water treatment residuals.

#### B. Permit Requirements

Applicants that discharge wastewater into water in the state must submit a Notice of Intent (NOI) to the Texas Commission on Environmental Quality (TCEQ) to obtain authorization under the general permit. Provisional coverage will begin 48 hours after the postmark date. An NOI is not required for discharges of wastewater adjacent to water in the state.

Discharges into water in the state are subject to numeric effluent limitations for total chlorine residual, total suspended solids, and pH, and permittees are required to report flow. Monitoring frequency and sample type are based on flow volume. The general permit would require permittees to handle and dispose of water treatment residuals in accordance with 30 TAC Chapter 312, Subchapter F, or 30 TAC Chapter 330, depending on the method of final disposition, and all other

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applicable state and federal regulations. Water treatment residuals must be analyzed for Toxicity Characteristic Leaching Procedure prior to disposal but not more than once per year.

**C. Fees**

The NOI application fee is \$350. There is no fee for the submission of a Notice of Termination (NOT) or Notice of Change (NOC).

The annual water quality fee is based on the facility's daily average flow as follows:

Daily Average Flow (Million Gallons per Day)	Annual Fee
< 0.25	\$1,250
≥ 0.25 < 0.75	\$2,500
≥ 0.75 < 1.0	\$4,500
≥ 1.0 < 2.0	\$7,000
≥ 2.0 < 5.0	\$20,000
≥ 5.0 < 10.0	\$35,000
≥ 10.0 < 15.0	\$50,000
≥ 15.0	\$75,000

**Number of current/expected authorizations:**

Currently, there are 38 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. Add a daily maximum effluent limitation requiring that discharges be dechlorinated to less than 0.1 mg/L total chlorine residual prior to discharge, when using chlorination for disinfection purposes.
2. Revise the term 'sludge' to 'water treatment residuals' or 'residuals' under Part I, Section B, and Part III, Section C, for consistency with Section C terms currently used in individual permits for conventional water treatment facilities. Also, a definition for the term 'water treatment residuals' was added which references 30 TAC §312.8(105) relating to *General Definitions* for clarification.
3. Revised Part II, Section B.5 to clarify that the Railroad Commission of Texas no longer regulates discharges into or adjacent to water in the state from crude oil facilities, effective September 1, 2025.
4. Revise Part II, Section B.7, 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.
5. Update Part II, Section C.5, with current contact information for the Edwards Aquifer Protection Program and corrected the counties listed in the general permit for consistency with requirements under 30 TAC Chapter 213, Edwards Aquifer.
6. Update Part III, Section B.8.a, to add the option for email and clarify the mailing address for submission of written reports.

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7. Update Part III, Section B.8.b, to clarify discharge monitoring report (DMR) submittal requirements for effluent limitation violations using the NetDMR reporting system or an approved DMR form by obtaining an electronic reporting waiver.
8. Revise Part III, Section C.1.d(1) to include an option for facilities to recycle excess water from the water treatment residuals lagoon(s) in a manner consistent with 30 TAC §290.42(d)(3)(A), related to Water Treatment, instead of maintaining a minimum of two feet of freeboard.
9. Update Part III, Section C.4 to specify TCEQ's Waste Permits Division for submittal of the written report for water treatment residuals. The division previously listed for receipt of this report no longer exists.
10. Revise Part III, Section D, to include the following requirements (III.D.12 and III.D.13) that were previously identified in the fact sheet for the issued permit but omitted from the permit itself:
  - Land application rates shall not exceed 1.6 acre-feet per year per acre irrigated.
  - The permittee shall annually collect a representative soil sample from each irrigation area that received wastewater application during the year. Soil samples shall be analyzed for pH [2:1 (v/v) water/soil mixture]; electrical conductivity [2:1 (v/v) water/soil mixture]; total Kjeldahl nitrogen (TKN); total nitrogen (organic-nitrogen + nitrate-nitrogen + ammonium-nitrogen); nitrate-nitrogen (from a 1 N KCl soil extract); plant-available phosphorus [Mehlich III with inductively coupled plasma], and plant-available potassium [Mehlich III]. The nutrient parameters shall be reported on a dry weight basis in mg/kg; electrical conductivity, in mmho/cm [same as deciSiemens/meter (dS/m)]; and pH, in standard units.
11. Revise Part IV.7.f to clarify reporting and signature requirements for annual tests.
12. Revise Part IV.8 to clarify signature requirements for other information requested by the executive director.
13. Update the definition of Water in the State to specify the "Gulf of America."
14. Other non-substantive editorial corrections and updates.

**Stakeholder involvement:**

The status of this permit renewal will be 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.

A letter was sent to facilities currently authorized under the general permit advising them on the upcoming renewal and providing an opportunity to submit preliminary comments. Preliminary comments were received from one entity, North Texas Municipal Water District, requesting the draft permit be revised to allow for a combined outfall daily average flow limit at water treatment plants that have multiple outfalls, remove the freeboard requirement for water treatment residuals lagoons, update the term "sludge" to "residuals", and add a definition for the term "water treatment residuals."

In response to preliminary comments received, the draft permit was revised to include an option for excess water in the water treatment residuals lagoon(s) to be recycled in a manner consistent with 30 TAC §290.42(d)(3)(A), relating to *Water Treatment*, instead of

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meeting the existing minimum freeboard requirement of two feet. The draft permit has also been updated to use the term “residuals” and include a definition for the term “water treatment residuals.” The draft permit was not revised to include a combined outfall daily average flow limit because the existing permit contains monitoring and reporting requirements for flow and not a daily average limitation for flow at individual outfalls.

**EPA Review:**

On September 20, 2024, the draft permit was sent to the EPA for their review. TCEQ received a no objection letter from the EPA with approval to proceed with the issuance of the draft general permit on December 19, 2024.

**Public comment:**

A public notice was published in the *Houston Chronicle* on March 7, 2025. A hybrid virtual and in-person public meeting was held at TCEQ on April 7, 2025. The meeting was attended by five stakeholders, two attended in person and three attended virtually. The public comment period closed on April 7, 2025. The public notice was republished in the *Texas Register* on April 25, 2025 because of a publication error. A second hybrid virtual and in-person public meeting was held at TCEQ on May 21, 2025. No stakeholders attended the second public meeting and the public comment period reclosed on May 27, 2025.

Timely public comments were received from Harris County Pollutant Control Services regarding the meaning of discharge “adjacent to water in the State” and NOI requirements, effluent limitation, and monitoring frequencies for disposal via land application activities. A response to public comments (RTC) document was prepared. No changes were made to the draft permit in response to public comments received.

**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 TCEQ’s online ePermits system

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

Docket No. 2025-0210-MIS

Published notice in the newspaper: March 7, 2025.

Published notice in the *Texas Register*: March 7, 2025 and April 25, 2025.

Public comment period ended: April 7, 2025 and May 27, 2025.

Scheduled Commission Agenda Date: September 10, 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;
- TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state; and
- TWC, §26.040, which provides the commission with authority to amend rules to authorize waste discharges by general permit.

**Agency Contacts:**

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

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

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

Attachments: Draft Permit, Fact Sheet, and RTC

## FACT SHEET AND EXECUTIVE DIRECTOR'S FINAL DECISION

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For Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXG640000 to discharge wastewater generated at water treatment facilities 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  
Water Quality Division

Date: July 2025

Permit Action: Renewal with Amendment

### **I. Summary**

The Texas Commission on Environmental Quality (TCEQ or commission) is issuing a renewal and amendment of Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state.

### **II. Executive Director's Recommendation**

The Executive Director has made a final decision that this permit, if issued, meets all statutory and regulatory requirements. It is proposed that the permit will expire five years from the effective date in accordance with the requirements of 30 Texas Administrative Code (TAC) § 205.5(a).

### **III. Permit Applicability**

1. This general permit authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. The 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 of treated domestic wastewater; wastewater generated as a result of reverse osmosis, ion exchange, any other desalination process; or wastewater generated as a result of water treatment processes regulated in 30 TAC §290.42(g), except for water treatment using ultraviolet light. An individual permit is required for the discharge of these types of wastewater.
  - b. Land application or disposal of water treatment residuals. This general permit does not authorize the distribution and marketing of water treatment residuals. A separate authorization is required for these activities.
  - c. Discharges prohibited by 30 TAC Chapter 213, *Edwards Aquifer*, or 30 TAC Chapter 311, *Watershed Protection*.

Fact Sheet and Executive Director's Final Decision  
General Permit Number TXG640000

- d. Discharges into or adjacent to water in the state (e.g., land application) from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
  - e. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305, *Consolidated Permits*, and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed as category 4 or 5 in the current version of the Texas Integrated Report of Surface Water Quality, and waterbodies on the Clean Water Act (CWA) § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.
  - f. 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.
  - g. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure the protection of endangered or threatened species is achieved.
3. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit nor an individual wastewater permit:
- a. recycling of the wastewater with no resulting discharge into or adjacent to water in the state;
  - b. pumping and hauling of the wastewater to an authorized disposal facility;
  - c. discharge to a publicly owned treatment work (POTW);
  - d. underground injection in accordance with 30 TAC Chapter 331, *Underground Injection Control*; or
  - e. discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the state.

**IV. Permit Conditions and Effluent Limitations**

1. The following effluent limitations apply to wastewater discharged into water in the state:

Fact Sheet and Executive Director's Final Decision  
General Permit Number TXG640000

Parameter	Daily Average Limitations	Daily Maximum Limitations
Flow, million gallons per day (MGD)	Report	Report
Total Suspended Solids (TSS)	25 mg/l	45 mg/l
pH, Standard Units (S.U.)	NA	6.0 - 9.0 S.U.
Total Chlorine Residual <sup>1</sup>	NA	0.1 mg/l

<sup>1</sup> When chlorinating.

Monitoring Frequency and Sample Type are based on outfall Daily Average Flow, as follows:

Parameter	Daily Avg Flow < 1.0 MGD	Daily Avg Flow ≥ 1.0 MGD and < 5.0 MGD	Daily Avg Flow ≥ 5.0 MGD
Flow <sup>1</sup>	Five/week Instantaneous	Five/week Totalizing Meter	Five/week Totalizing Meter
TSS <sup>1</sup>	One/week Composite	Two/week Composite	Two/week Composite
pH <sup>1</sup>	One/month Grab	One/week Grab	Five/week Grab
Total Chlorine Residual <sup>1</sup>	Five/week Grab	One/day Grab	One/day Grab

<sup>1</sup> When discharging.

2. The general permit requires permittees to handle and dispose of water treatment residuals in accordance with 30 TAC Chapter 312 Subchapter F or 30 TAC Chapter 330, depending on the method of final disposition, and all other applicable state and federal regulations. Water treatment residuals must be analyzed for Toxicity Characteristic Leaching Procedure prior to disposal but not more than once per year.
3. Discharges adjacent to water in the state (ie. land application of wastewater) must comply with the following:
  - 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 after 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. Land application rates shall not exceed 1.6 acre-feet per year per acre irrigated.
  - d. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of wastewater applied.
  - e. The permittee shall annually collect a representative soil sample from each irrigation area that received wastewater application during the year. Soil

samples shall be analyzed for pH, conductivity, nitrate-nitrogen, total Kjeldahl nitrogen, total nitrogen, phosphorus, and potassium.

- f. The permittee shall own the land application area or maintain a long-term contract with the owner(s) of the land application area.
- g. Adequate signs shall be erected stating that the irrigation water is from a non-potable water supply.
- h. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
- i. Land application shall be accomplished only when the irrigation area is not in use.
- j. Permanent transmission lines shall be installed from the holding pond to each tract of land to be irrigated from that pond.
- k. Wastewater shall not be land applied within 150 feet of any private water well or within 500 feet of a public water supply well.
- l. The permittee shall maintain actively growing vegetation in the land application area.
- m. 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.

## **V. Change From Existing General Permit**

- 1. Added a daily maximum effluent limitation under Part III, Section A.1., that requires discharges be dechlorinated to less than 0.1 mg/L total chlorine residual prior to discharge, when chlorination is used for disinfection purposes.
- 2. Revised the term 'sludge' to 'water treatment residuals' or 'residuals' under Part III, Section C, for consistency with terms currently used in individual permits for conventional water treatment facilities. A definition for the term 'water treatment residuals' was also added for clarification and references 30 TAC § 312.8(105) relating to *General Definitions*.
- 3. Revised Part II, Section B.5 to clarify that the Railroad Commission of Texas no longer regulates discharges into or adjacent to water in the state from crude oil facilities, effective September 1, 2025.
- 4. Revised Part II, Section B.7, 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.

Fact Sheet and Executive Director's Final Decision  
General Permit Number TXG640000

5. Updated Part II, Section C.5, with current contact information for the Edwards Aquifer Protection Program and corrected the counties listed in the general permit for consistency with requirements under 30 TAC Chapter 213, *Edwards Aquifer*.
6. Added a statement under Part III, Section A.1 to clarify that wastewater discharged adjacent to the water in the state (i.e., land applied) does not need to meet the effluent limitations of the section.
7. Updated Part III, Section B.8.a, to add the option for email and clarify the mailing address for submission of written reports.
8. Updated Part III, Section B.8.b, to clarify discharge monitoring report (DMR) submittal requirements for effluent limitation violations using the NetDMR reporting system or an approved DMR form by obtaining an electronic reporting waiver.
9. Modified Part III, Section D, item 11 to remove repeated provision language and clarify that the permittee is responsible for providing equipment to determine the application rate.
10. Revised Part III, Section C.1.d(1) to include an option for facilities to recycle excess water from the water treatment residuals lagoon(s) in a manner consistent with 30 TAC § 290.42(d)(3)(A), related to Water Treatment, instead of maintaining a minimum of two feet of freeboard.
11. Updated Part III, Section C.4 to specify TCEQ's Waste Permits Division for submittal of the written report for water treatment residuals. The division previously listed for receipt of this report no longer exists.
12. Revised Part III, Section D, to include the following requirements (III.D.12 and III.D.13) were previously identified in the fact sheet for the issued permit but omitted from the permit itself:
  - Land application rates shall not exceed 1.6 acre-feet per year per acre irrigated.
  - The permittee shall annually collect a representative soil sample from each irrigation area that received wastewater application during the year. Soil samples shall be analyzed for pH [2:1 (v/v) water/soil mixture]; electrical conductivity [2:1 (v/v) water/soil mixture]; total Kjeldahl nitrogen (TKN); total nitrogen (organic-nitrogen + nitrate-nitrogen + ammonium-nitrogen); nitrate-nitrogen (from a 1 N KCl soil extract); plant-available phosphorus [Mehlich III with inductively coupled plasma], and plant-available potassium [Mehlich III]. The nutrient parameters shall be reported on a dry weight basis in mg/kg; electrical conductivity, in mmho/cm [same as deciSiemens/meter (dS/m)]; and pH, in standard units.
13. Revised Part IV.7.f to clarify reporting and signature requirements for annual tests.
14. Revised Part IV.8 to clarify signature requirements for other information requested by the executive director.

15. Update the definition of Water in the State to specify the "Gulf of America."
16. Other non-substantive editorial corrections and updates.

## **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 (MC-148)  
P.O. Box 13087  
Austin, TX 78711-3087  
(512) 239-4284

Supplementary information on this fact sheet is organized as follows:

- VI. Legal Basis
- VII. Regulatory Background
- VII. Permit Coverage
- IX. Technology-based Requirements
- X. Water Quality-based Requirements
- XI. Monitoring
- XII. Procedures for Final Decision
- XIII. 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 develop and issue general permits.

On September 14, 1998, TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the TPDES Program. TCEQ and 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.

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.

EPA frequently adopts nationally applicable guidelines identifying the best practicable control technology (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (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 executive director proposes to issue the draft general permit which would authorize the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state.

## **IX. Permit Coverage**

The purpose of this general permit is to regulate the discharge of wastewater from conventional water treatment facilities. Conventional water treatment is the process of treating raw water using coagulation, flocculation, clarification, filtration, and disinfection. This general permit does not authorize the discharge of domestic sewage or wastewater generated as a result of reverse osmosis, ion exchange, or any other desalination process because those wastewaters may require site-specific water quality-based effluent limitations.

1. Facilities that discharge adjacent to water in the state (i.e., exclusively use land application of wastewater) are not required to submit a Notice of Intent (NOI) to obtain authorization under this general permit. These facilities must comply with all other requirements of this general permit.
2. Facilities that discharge into water in the state shall submit a completed NOI on a form approved by the executive director. The NOI must be submitted via the online e-permitting system available through TCEQ's website unless the applicant requests and obtains an electronic reporting waiver. Electronic reporting waivers are not transferable and expire on the same date as the authorization to discharge. The NOI shall include at a minimum the legal name and address of the owner and operator, the facility name and address, specific description of the location, wastewater design flow, outfall information, and the name of the receiving water(s).
3. 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. For electronic submittal of NOIs, provisional authorization to discharge under the terms and conditions of the general permit begins immediately after TCEQ confirms receipt of the electronic NOI. 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 shall either acknowledge 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 to the operator of the system at the same time an NOI is submitted to TCEQ.

4. 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

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 a MS4 must submit a copy of the NOT 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 in an NOI, the correct information must be provided to the Executive Director in a Notice of Change (NOC) within 14 days of discovery of the error. If relevant information provided in the NOI changes (e.g., permittee address, phone number, outfall information, design flow, Discharge Monitoring Report (DMR) contact, or billing contact) an NOC must be submitted within 14 days of the change. Permittees discharging to a MS4 must submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to TCEQ.

## **X. Technology-Based Requirements**

The existing effluent limitations and conditions of the draft general permit were originally 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 were originally based on BPJ. The existing parameters selected for BCT/BAT limits, including flow, total suspended solids, and pH are still consistent with individual permits issued to conventional water treatment plants, and have been carried forward in the draft general permit.

Wastewater discharges from conventional water treatment plants may be chlorinated for disinfection purposes. In these instances, an effluent limitation was added to the draft

general permit that requires discharges be dechlorinated to less than 0.1 mg/L total chlorine residual prior to discharge.

## **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*, an antidegradation review of the 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. It has been preliminarily determined that where 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 Code of Federal Regulations (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 Waterworks Association, and the Water Pollution Control Federation), or the Environmental Protection Agency's (EPA), *Methods for Chemical Analysis of Water and Wastes* (1979), or the EPA's, *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).
3. Sample containers, holding times, and preservation methods shall follow the requirements specified in 40 CFR Part 136, or the latest edition of *Standard Methods for 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.
6. 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 for determining compliance with effluent limitations shall be submitted online using the NetDMR reporting system available through TCEQ's

website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to TCEQ's Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in the 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. The DMRs must be signed in accordance with the requirements in Part IV.8 of the general permit. If non-compliance with an effluent limitation occurs, the permittee shall provide notification according to Part III, Section B.8 of the permit.

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 of laboratory analysis;
  - d. identity of the individual and laboratory who performed the analysis;
  - e. the technique or method of analysis; and
  - f. the results of the analysis or measurement.
8. If the permittee monitors any pollutant in a discharge more frequently than required by the permit using approved analytical methods as specified in Part IV.7.c. 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.

### **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 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.

Fact Sheet and Executive Director's Final Decision  
General Permit Number TXG640000

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 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 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 Conventional Water Treatment Plants (TXG640000) effective October 21, 2020
2. 40 Code of Federal Regulations (CFR) Citations  
40 CFR Parts 122, 124, 136
3. TCEQ Rules  
30 TAC Chapters 39, 205, 213, 281, 290, 305, 307, 312, 319, 331, and 335
4. Letters/Memoranda/Records of Communication  
TXG640000 Antidegradation Review, Interoffice Memorandum from the Standards Implementation Team dated July 9, 2024.  
TXG640000 Groundwater Protection Review, Interoffice Memorandum from the Water Quality Assessment Team dated August 7, 2024.
5. Miscellaneous  
TCEQ, *Implementation Procedures of the Texas Surface Water Quality Standards*, January 2010.  
Exec. Order No. 14,172, 90 Fed. Reg. 8629 (Jan. 31, 2025); U.S. Dept. of the Interior, Secretary Order No. 3423 (Feb. 7, 2025).

# Texas Commission on Environmental Quality

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



## GENERAL PERMIT TO DISCHARGE WASTES

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

This permit supersedes  
TPDES General Permit No. TXG640000 effective October 12, 2020

Wastewater generated as a result of conventional water treatment at Water Treatment Facilities, SIC Code 4941, located in the State of Texas,

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

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

This general permit and the authorization contained herein will expire at midnight five years after the effective date.

ISSUED DATE:

EFFECTIVE DATE: October 12, 2025

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For the Commission

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## Part I. Definitions

All definitions in the Texas Water Code (TWC) § 26.001 and 30 Texas Administrative Code (TAC) Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

**Composite sample** - A sample consisting of at least three portions collected over a period of not less than two hours. In the case of intermittent discharges of less than two hours duration, the composite is to consist of at least three portions collected over the duration of the discharge.

**Conventional water treatment** - The process of treating raw water using coagulation, flocculation, sedimentation, clarification, filtration, and disinfection. Conventional water treatment does not include water treatment processes for constituents such as arsenic, metals, hardness, salinity, radioactive materials, etc.

**Daily average flow** - The arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

**Daily average limitations** - The arithmetic average of all effluent samples within a single calendar month, consisting of at least four separate representative measurements. When four samples are not available in a single calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average value.

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

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

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

**Edwards Aquifer Recharge Zone** - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic

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

**Facility** - All contiguous land and fixtures, structures, or appurtenances used for storing, processing, treating, discharging, or disposing of wastewater.

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

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

**Land application** - The spraying or spreading of wastewater onto the land surface or the incorporation of wastewater into the soil so that the wastewater can either condition the soil or benefit crops or 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):

- (i) owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district 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);
- (ii) designed or used for collecting or conveying storm water;
- (iii) which is not a combined sewer; and
- (iv) which is not part of a publicly owned treatment works (POTW) as defined at 40 Code of Federal Regulations (CFR) § 122.2.

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

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

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

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

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

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

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

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

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

**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 America, 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.

**Water treatment residuals** - See 30 TAC § 312.8(105) relating to *General Definitions*.

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

### **Section A. Permit Applicability**

This general permit authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state.

### **Section B. Limitations on Authorization**

1. This general permit does not authorize the discharge of:
  - a) treated domestic wastewater;
  - b) wastewater generated as a result of reverse osmosis, ion exchange, or any other desalination process; or
  - c) wastewater generated as a result of water treatment processes regulated in 30 TAC §290.42(g), except for water treatment using ultraviolet light.

An individual permit is required for the discharge of these types of wastewater.

2. This general permit does not authorize land application or disposal of water treatment residuals. This general permit does not authorize the distribution and marketing of water treatment residuals. A separate authorization is required for these activities.
3. Separate authorization may be required for discharges into or adjacent to water in the state, located within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 TAC Chapter 213, *Edwards Aquifer*.
4. Discharges shall not be authorized by this general permit where prohibited by:
  - a) 30 TAC Chapter 213, *Edwards Aquifer*;
  - b) 30 TAC Chapter 311, *Watershed Protection*; or
  - c) Any other applicable rules or laws.
5. This general permit does not authorize discharges into or adjacent to water in the state from activities that are regulated by the Railroad Commission of Texas.
6. The executive director will deny an application for authorization under this general permit and may require that the applicant apply for an individual permit, if the executive director determines that the discharge will not maintain existing uses of receiving waters. Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit. The executive director shall deny or suspend a facility's authorization to discharge under this general permit based on a rating

of “unsatisfactory performer” according to commission rules in 30 TAC § 60.3, *Use of Compliance History*. An applicant classified as an “unsatisfactory performer” is entitled to a hearing before the commission prior to having its authorization denied or suspended, in accordance with TWC §26.040(h). Denial of authorization to discharge under this general permit will be done according to commission rules in 30 TAC Chapter 205, *General Permits for Waste Discharges*.

7. This general permit does not limit the authority of a home-rule municipality provided by Texas statute.
8. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305, *Consolidated Permits*, and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed as category 4 or 5 in the current version of the *Texas Integrated Report of Surface Water Quality*, and waterbodies listed on the CWA § 303(d) list. Constituents of concern are those pollutants for which the waterbody is listed as impaired.
9. Discharges of the constituent(s) of concern to impaired water bodies when there is a TCEQ approved Total Maximum Daily Load (TMDL) Implementation Plan are not eligible for this permit unless they are consistent with the approved TMDL and the TMDL 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 permit, the discharger shall apply for and receive an individual or other applicable general permit prior to discharging.
10. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

### **Section C. Application for Authorization**

1. Facilities that discharge adjacent to water in the state (i.e., exclusively use land application of wastewater) are not required to submit an NOI to obtain authorization under this general permit. These facilities must comply with all other applicable requirements of this general permit.
2. Facilities that discharge into water in the state shall submit a completed NOI on a form approved by the executive director. The NOI must be submitted via the online e-permitting system available through TCEQ’s website unless the applicant requests and obtains an electronic reporting waiver. Electronic reporting waivers are not transferable and expire on the same date as the authorization to discharge. The NOI shall include at a minimum the legal name and address of the owner and operator, the facility name and address, specific

description of the location, wastewater design flow, outfall information, and the name of the receiving water(s).

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

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

6. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner and operator shall submit an NOT and the new owner and operator shall submit an NOI. The NOT and NOI shall be submitted no later than 10 days prior to the change in owner

or operator status. Any change in a permittee's charter number issued by the Texas Secretary of State, is considered a change in ownership of the company and would require the new owner and operator to apply for permit authorization as stated above. If the NOT and NOI are submitted as required under this provision, there will be no lapse in authorization for this facility. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the time the NOT is submitted to TCEQ.

7. If the owner or operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information shall be provided to the executive director on an NOC form within 14 days of discovery of the error. If relevant information provided in the NOI changes, (e.g., permittee address, phone number, outfall information, design flow, Discharge Monitoring Report (DMR) contact, or billing contact) an NOC shall be submitted within 14 days of the change. Permittees must submit an NOC using the online e-permitting system available through TCEQ's website unless the permittee obtained an electronic reporting waiver. Permittees discharging to an MS4 shall submit a copy of the NOC to the operator of the system at the same time the NOC is submitted to TCEQ.

#### **Section D. Termination of Authorization**

A permittee shall terminate authorization under this general permit through the submittal of an NOT form 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 TCEQ's website unless the permittee obtained an electronic reporting waiver. For electronic submission of the NOT, authorization to discharge under this 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 permit are required until an NOT is submitted. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to TCEQ.

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

1. Discharges eligible for authorization by this general permit may alternatively be authorized by an individual permit according to 30 TAC Chapter 305, *Consolidated Permits*.
2. When an individual permit is issued for a discharge that is currently authorized under this general permit, the permittee shall submit an NOT to the executive director.
3. Discharges from facilities currently authorized by an individual permit or another general permit may only be authorized under this TPDES general permit if the following conditions are met:

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

may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator.

## Section F. Permit Expiration

1. This general permit is effective for five years from the effective date. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. This general permit may be amended, revoked, or cancelled by the commission after notice and comment as provided by 30 TAC §§ 205.3, *Public Notice, Public Meetings, and Public Comment*, and 205.5, *Permit Duration, Amendment, and Renewal*.
2. If the executive director proposes to reissue this general permit before the expiration date, the general permit 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 will remain in effect for these dischargers until the commission takes final action on the proposal to reissue this general permit. No new NOIs will be processed by the executive director and no new authorizations will be issued under this general permit after the expiration date of the general permit or after the effective date of an amended and re-issued general permit.
3. Upon issuance of a renewed or amended general permit, all facilities, including those covered under the expired general permit, will be required to submit an NOI within 90 days of the effective date of the new general permit or obtain authorization under an individual permit for those discharges.
4. According to 30 TAC § 205.5(d), *Permit Duration, Amendment, and Renewal*, if the commission does not propose to reissue this general permit at least 90 days before the expiration date, permittees authorized under this general permit shall submit an application for an individual or alternative general permit before the expiration date. If the application for an individual or alternative general permit is submitted before the general permit expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit or authorization under an alternative general permit.

## Part III. Permit Requirements

### Section A. Effluent Limitations

1. Wastewater discharged into water in the state shall meet the following effluent limitations. Please note: Wastewater discharged adjacent to the water in the state (i.e., land applied) does not need to meet the following effluent limitations.

Parameter	Daily Average Limitations	Daily Maximum Limitations
Flow, million gallons per day (MGD)	Report	Report

Parameter	Daily Average Limitations	Daily Maximum Limitations
Total Suspended Solids (TSS)	25 mg/l	45 mg/l
pH, Standard Units (S.U.)	NA	6.0 - 9.0 S.U.
Total Chlorine Residual	NA	0.1 mg/l

2. Monitoring Frequency and Sample Type are based on outfall Daily Average Flow, as follows:

Parameter	Daily Avg Flow < 1.0 MGD	Daily Avg Flow $\geq$ 1.0 MGD and < 5.0 MGD	Daily Avg Flow $\geq$ 5.0 MGD
Flow, MGD <sup>1</sup>	Five/week Instantaneous	Five/week Totalizing Meter	Five/week Totalizing Meter
TSS <sup>1</sup>	One/week Composite	Two/week Composite	Two/week Composite
pH, S.U. <sup>1</sup>	One/month Grab	One/week Grab	Five/week Grab
Total Chlorine Residual <sup>1</sup>	Five/week Grab	One/day Grab	One/day Grab

<sup>1</sup> When Discharging

## Section B. General Requirements

1. The water treatment facility shall be operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by TCEQ's executive director.
2. The permittee shall operate and maintain the facility in accordance with accepted practices.
3. There shall be no discharge of floating solids or visible oil. The discharge shall not exhibit foaming of a persistent nature as required by 30 TAC § 307.4(b)(6), *Aesthetic Parameters*.
4. Mixing zones shall not encompass an intake for a public water supply, and the discharge shall not be located within 300 feet of the intake for a public water supply.

5. The discharge shall not: contain a concentration of a taste or odor-producing substance that interferes with the production of potable water by reasonable water treatment methods; impart unpalatable flavor to food fish, including shellfish; result in offensive odors arising from the receiving waters; or otherwise interfere with reasonable uses of water in the state.
6. Operators of facilities that generate industrial solid wastes, as defined in 30 TAC § 335.1, shall comply with the provisions of 30 TAC Chapter 335, *Industrial Solid Waste and Municipal Hazardous Waste*. If the requirements of 30 TAC Chapter 335 do not apply, the solid wastes shall be disposed of in accordance with the Texas Health and Safety Code Chapter 361, *Solid Waste Disposal Act*.
7. The discharge of wastewater shall be done in such a manner as to prevent nuisance conditions.
8. 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. The information shall be provided orally, by facsimile (FAX), or by email to the appropriate TCEQ regional office within 24 hours of the permittee becoming aware of the noncompliance. A written report shall also be provided by the permittee to the appropriate regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written report shall be submitted to P.O. Box 13087, Austin, Texas 78711-3087 or by FAX. The written submission shall contain:
    - (1) a description of the noncompliance and its cause;
    - (2) the potential danger to human health or safety, or the environment;
    - (3) the period of noncompliance, including exact dates and times;
    - (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
    - (5) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and to mitigate its adverse effects.
  - b) 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 TCEQ's 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 which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the appropriate Regional Office and the Enforcement Division (MC-224) within 5 working days of becoming aware of the noncompliance. For effluent limitation violations, noncompliances shall be reported online using the NetDMR reporting system available through TCEQ website's or on an approved DMR form.

- c) Any noncompliance other than that specified in paragraphs (a) and (b) above, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible.

## **Section C. Water Treatment Residuals Management**

### **1. General Requirements**

- a) The permittee must dispose of water treatment residuals only at a TCEQ registered or permitted land application site, commercial land application site, or co-disposal landfill authorized to accept water treatment residuals. **Land application or disposal of water treatment residuals is not authorized by this permit.**
- b) The permittee shall handle and dispose of water treatment residuals in accordance with 30 TAC Chapter 312 Subchapter F or 30 TAC Chapter 330, depending on the method of final disposition, and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the water treatment residuals meets the requirements in 40 CFR Part 257 concerning the quality of water treatment residuals disposed of by land application or 30 TAC Chapter 330 and 40 CFR Part 258 concerning the quality of the residuals disposed of in a Municipal Solid Waste Landfill.
- c) The permittee shall provide necessary information to the parties who receive the water treatment residuals to assure compliance with the regulations specified in b. above.
- d) Water treatment residuals placed in water treatment residuals lagoon(s) is for temporary storage only.
  - (1) The permittee shall maintain a minimum of two feet of freeboard in the water treatment residuals lagoon(s) or recycle excess water from the water treatment residuals lagoon(s) in a manner consistent with 30 TAC § 290.42(d)(3)(A).

- (2) The permittee shall submit a closure plan for the water treatment residuals lagoon(s) at least 180 days prior to planned closure to the executive director in care of the Municipal Wastewater Permits Team (MC 148) of the Water Quality Division for approval.

2. Testing Requirements

- a) The permittee shall sample and analyze the water treatment plant residuals prior to disposal but not more than once per year.
- b) Water treatment residuals shall be analyzed for Toxicity Characteristic Leaching Procedure (TCLP) in accordance with 40 CFR §261.24. Water treatment residuals that contains any of the contaminants listed in Table 1 of 40 CFR §261.24 at a concentration equal to or greater than the regulatory level shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.
- c) Following failure of any TCLP test, the management or disposal of water treatment residuals at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until the permittee can demonstrate the residual no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests).

3. Record Keeping Requirements

The permittee shall retain on-site a record of the following information for a minimum of five (5) years. The recordkeeping period is from September 1st of the previous year to August 31st of the current year. Records shall be readily available for review by the executive director upon request.

- a) Annual residuals production in dry tons/year
- b) Amount of residuals disposed of by land application in dry tons/year
- c) Amount of residuals disposed of in a municipal solid waste landfill in dry tons/year
- d) Amount of residuals transported interstate in dry tons/year
- e) Dates of disposal
- f) Identity of hauler(s) and TCEQ transporter registration number(s)
- g) TCEQ Registration or Permit Number, Owner and location of the disposal site(s)

- h) Documentation that the water treatment residuals meets the requirements of 40 CFR Part 257 concerning the quality of the residuals being land applied or 30 TAC Chapter 330 concerning the quality of the residuals disposed of in a municipal solid waste landfill.
  - i) TCLP results
4. Reporting Requirements
- A written report shall be provided to both TCEQ's Waste Permits Division (MC 129) and the appropriate TCEQ Regional Office within 7 days after failing the TCLP Test. The report shall contain test results, certification that unauthorized waste management has stopped, and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Waste Permits Division (MC 126), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

#### **Section D. Land Application of Wastewater**

Land application of wastewater shall comply with the following requirements.

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 after 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. The permittee is responsible for maintaining accurate records of the volume of wastewater irrigated, in gallons, and the acreage irrigated. These records shall be made available for review by the executive director and shall be maintained for at least five years.
4. The permittee shall own the land application area or maintain a long-term contract with the owner(s) of the land application area.
5. Adequate signs shall be erected stating that the irrigation water is from a non-potable water supply. Said signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the wastewater shall be clearly marked with these same signs.
6. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
7. Land application shall be accomplished only when the irrigation area is not in use.

8. Wastewater shall not be land applied within 150 feet of any private water well or within 500 feet of a public water supply well.
9. The permittee shall maintain actively growing vegetation in the land application area.
10. 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.8 of this permit.
11. The permittee is responsible for providing equipment to determine the application rate.
12. Land application rates shall not exceed 1.6 acre-feet per year per acre irrigated.
13. The permittee shall annually collect a representative soil sample from each irrigation area that received wastewater application during the year. Soil samples shall be analyzed for pH [2:1 (v/v) water/soil mixture]; electrical conductivity [2:1 (v/v) water/soil mixture]; total Kjeldahl nitrogen (TKN); total nitrogen (organic-nitrogen + nitrate-nitrogen + ammonium-nitrogen); nitrate-nitrogen (from a 1 N KCl soil extract); plant-available phosphorus [Mehlich III with inductively coupled plasma], and plant-available potassium [Mehlich III]. The nutrient parameters shall be reported on a dry weight basis in mg/kg; electrical conductivity, in mmho/cm [same as deciSiemens/meter (dS/m)]; and pH, in standard units.

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

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

4. The permittee shall submit, upon request of the executive director, any information that is necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee shall submit, upon request of the executive director, copies of all records that the permittee is required to maintain as a condition of this general permit. The requested information or records shall be provided within a reasonable time and in no case later than 30 days from the date of the request.
5. The permittee shall give notice to the Municipal Permits Team (MC 148) of the Water Quality Division before physical alterations or additions to the permitted facility if such alterations would result in a violation of the general permit requirements.
6. Inspection and entry shall be allowed under TWC Chapters 26, Texas Health and Safety Code §§ 361.032-361.033 and 361.037; and Title 40 CFR § 122.41(I). The statement in TWC § 26.014 that commission entry of a regulated entity will occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection are not grounds for denial or restriction of entry to any part of the regulated entity, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
7. Standard monitoring and reporting requirements
  - a) Samples shall be collected, and measurements shall be taken at times and in a manner so as to be representative of the monitored discharge.
  - b) All samples shall be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or the Environmental Protection Agency's (EPA), *Methods for Chemical Analysis of Water and Wastes* (1979), or the EPA's, *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).
  - c) Sample containers, holding times, preservation methods, and analytical methods shall follow the requirements in 40 CFR Part 136, or the latest edition of *Standard Methods for 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 shall be downstream of any treatment unit or technique that is used to improve or otherwise alter the quality of the discharge.

- 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 for determining compliance with effluent limitations shall be submitted online using the NetDMR reporting system available through TCEQ's website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to TCEQ's Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit. The DMR for any given month shall be due by the 20<sup>th</sup> day of the following month. The DMR for annual tests shall be due by March 31<sup>st</sup> of the following year. The DMRs must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with an effluent limitation occurs, the permittee shall provide notification according to Part III, Section B.8 of this permit.
- g) The permittee shall retain all records required by this permit, including monitoring records and records related to the application or any certification requirements for a period of five years from the date of record. The records shall be retained at the facility or be readily available for review by TCEQ personnel upon request. This period may be extended at the request of the executive director.
- h) The records of monitoring activities shall include:
  - (1) date, time, and place of sample or measurement;
  - (2) identity of individual who collected the sample or made the measurement;
  - (3) date of laboratory analysis;
  - (4) identity of the individual and laboratory that performed the analysis;
  - (5) the technique or method of analysis; and
  - (6) the results of the analysis or measurement.
- i) All laboratory tests submitted to demonstrate compliance with this permit shall meet the requirements of 30 TAC Chapter 25, *Environmental Testing Laboratory Accreditation and Certification*.
- j) If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods, all results of such monitoring shall be included in the

calculation and reporting of the values submitted on the DMR form. Increased frequency of sampling shall be indicated on the DMR form.

- k) All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the executive director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and shall be readily available for review by a TCEQ representative for a period of three years.
- 8. All NOIs, NOTs, and NOCs, or other information requested by the Executive Director shall meet the requirements of 30 TAC § 305.44(a), *Signatories to Applications*. All reports requested by the executive director shall meet the requirements of 30 TAC § 305.128, *Signatories to Reports*.
- 9. Authorization under this general permit may be suspended or revoked for the reasons stated in 30 TAC § 205.4, *Authorizations and Notices of Intent*. Notifying TCEQ of planned changes or an anticipated noncompliance does not stay any general permit condition.
- 10. This general permit does not convey any property rights of any sort, or any exclusive privilege.
- 11. If the permittee becomes aware that it failed to submit any relevant facts in an NOI, or submitted incorrect information in an NOI or in any report to the executive director, it shall promptly submit such facts or information.
- 12. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including, but not limited to, the following:
  - a) violating CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a general permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8);
  - b) intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this permit; and
  - c) intentionally or knowingly making or causing to be made a false material statement, representation, or certification in, or omits or causes to be omitted material information from, an application, notice, record, report, plan, or other document, including monitoring device data, filed or required to be maintained by this permit.

13. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall.
14. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
15. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

## Part V. Fees

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

1. Application Fee - An NOI shall include a \$350 application fee. A fee is not required for submission of an NOT or NOC.
2. Annual Water Quality Fee - Permittees with an active authorization on September 1 of each year (who have not submitted an NOT prior to this date) will be billed for the following fiscal year as follows:

Daily Average Flow (Million Gallons per Day)	Annual Fee
< 0.25	\$1,250
≥ 0.25 but < 0.75	\$2,500
≥ 0.75 but < 1.0	\$4,500
≥ 1.0 but < 2.0	\$7,000
≥ 2.0 but < 5.0	\$20,000
≥ 5.0 but < 10.0	\$35,000
≥ 10.0 but < 15.0	\$50,000
≥ 15.0	\$75,000

# COMMISSIONERS' RESPONSE TO PUBLIC COMMENT ON GENERAL PERMIT NO. TXG640000

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The Executive Director (ED) of the Texas Commission on Environmental Quality (commission or TCEQ) files this Response to Public Comment on Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG640000 which authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state.

As required by Texas Water Code (TWC), § 26.040(d) and Title 30 of Texas Administrative Code (TAC) § 205.3(e), before a general permit is issued, the ED must prepare a response to all timely, relevant, and material, or significant comments. The response must be made available to the public and filed with the Office of the Chief Clerk at least ten days before the commission considers the approval of the general permit. This response addresses all timely received public comments, whether or not withdrawn. Timely public comments were received from Harris County Pollution Control Services (PCS).

## **Background**

The existing TPDES General Permit No. TXG640000 authorizes the discharge of wastewater generated as a result of conventional water treatment processes at water treatment facilities into or adjacent to water in the state. The general permit specifies which facilities may be authorized under this general permit and those that must be authorized by individual permit, another general permit, or another authorization type.

The general permit does not authorize the discharge of treated domestic wastewater; wastewater generated as a result of reverse osmosis, ion exchange, or any other desalination process; or wastewater generated as a result of water treatment processes regulated in 30 TAC § 290.42(g), except for water treatment using ultraviolet light; land application or disposal of water treatment residuals; or the distribution and marketing of water treatment residuals.

Applicants that discharge wastewater into water in the state must submit a Notice of Intent (NOI) to TCEQ to obtain authorization under the general permit. For electronic submittal of NOIs, provisional authorization will begin immediately after TCEQ confirms receipt of the electronic NOI. For paper NOIs, provisional coverage will begin 48-hours after the postmark date. An NOI is not required for discharges of wastewater generated as a result of conventional water treatment adjacent to water in the state.

Discharges into water in the state are subject to numeric effluent limitations for total chlorine residual, total suspended solids, and pH, and permittees are required to report flow. Monitoring frequency and sample type are based on flow volume. These numeric effluent limitations were developed to comply with the technology-based standards of the Clean Water Act (CWA). The general permit requires permittees to handle and dispose of water treatment residuals in accordance with 30 TAC Chapter 312, Subchapter F, or 30 TAC Chapter 330, depending on the method of final disposition, and all other applicable state and federal regulations. Water treatment

residuals must be analyzed using Toxicity Characteristic Leaching Procedure prior to disposal once per year.

## **Procedural Background**

On September 20, 2024, the draft TPDES general permit was sent to the United States Environmental Protection Agency (EPA) for review. TCEQ received a no objection letter from the EPA with approval to proceed with the issuance of the draft general permit on December 19, 2024. TCEQ published notice of the draft TPDES general permit to solicit public comment in the *Texas Register* and *Houston Chronicle* on March 7, 2025. A public meeting was held on April 7, 2025. The public comment period ended on April 7, 2025.

The public notice was republished in the *Texas Register* on April 25, 2025, because of a publication error. A second hybrid virtual and in-person public meeting was held at TCEQ on May 21, 2025. No stakeholders attended the second public meeting, and the public comment period reclosed on May 27, 2025.

This TPDES general permit is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Texas Legislature, 1999. The TCEQ state-only general permit is not subject to the procedural requirements adopted pursuant to House Bill 709, 84th Texas Legislature, 2015.

## **Comments and Responses**

### Comment 1

PCS recommends the TCEQ add a definition of what constitutes a facility discharge adjacent to the state's water, and also specify the minimum distance from the state's water, the discharge route, and the method of application, among other factors.

### Response 1

TCEQ acknowledges the comment and recommendation but notes that this recommendation is beyond the scope of the renewal of this general permit.

TWC, § 26.001(5) defines “water” or “water in the state” as “groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of America<sup>1</sup>, 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.”

30 TAC § 205.1(2) provides that “[a] permit issued under the provisions of this chapter 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. 30 Tex. Admin. Code § 307.3(71) defines “surface water in the state” as “Lakes, bays, ponds, impounding

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<sup>1</sup> In accordance with Exec. Order No. 14,172, 90 Fed. Reg. 8629 (Jan. 31, 2025); U.S. Dept. of the Interior, Secretary Order No. 3423 (Feb. 7, 2025).

reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of America<sup>1</sup> inside the territorial limits of the state as defined in the Texas Water Code, § 26.001, 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 water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems that are authorized by state or federal law, regulation, or permit, and that are created for the purpose of waste treatment are not considered to be water in the state.”

TCEQ made no changes to the draft permit in response to this comment.

#### Comment 2

PCS recommends all facilities that have prior authorization or are attempting to gain authorization under this permit undergo the same application process, regardless of whether the discharge is directly into or adjacent to the state's water. If all facilities submit a NOI, the information on the facility, including site location, wastewater treatment, outfall and/or disposal, owner and operator name and address, and receiving water(s) of the state, can be noted for all facilities. Without the information, compliance will be difficult to enforce, and there may be insufficient data to adequately determine the potential impact on human health and the environment (specific and net impacts).

#### Response 2

Applicants that discharge wastewater into water in the state must submit a Notice of Intent (NOI) to TCEQ to obtain authorization under the general permit. Provisional coverage will begin 48-hours after the postmark date. An NOI is not required for discharges of wastewater (from conventional water treatment processes) adjacent to water in the state. 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. 30 TAC §§ 205.2 and 205.4 allows the commission to permit certain activities by rule or through a general permit without providing notification to or obtaining approval from TCEQ.

This approach is consistent with other TCEQ authorizations that specifically provide for the disposal of water treatment filter backwash via land application, such as a Level I reclaimed water authorization under [30 TAC § 210, Subchapter E](#).

TCEQ's Water Quality Assessment section conducted a technical review of the draft general permit to ensure it contains all appropriate provisions and necessary requirements to ensure protection of groundwater and that existing uses will be maintained. The draft permit has been determined to be protective when permittees adhere to the requirements therein.

Concerns about nuisance issues or suspected noncompliance with the terms of any permit or other environmental regulation may be reported by calling the 24-hour toll-free Environmental Complaints Hotline at (888) 777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at [tceq.texas.gov/compliance/complaints](http://tceq.texas.gov/compliance/complaints). The TCEQ investigates all complaints

received. If the facility is found to be out of compliance with the terms and conditions of the general permit, it may be subject to possible enforcement action.

TCEQ made no changes to the draft permit in response to this comment.

### Comment 3

PCS recommends that effluent parameters, monitoring, and frequency be defined for facilities that obtain authorization to discharge adjacent to the state's water, considering the potential impacts on soil and/or water within the state. With clarity, the industrial and government sectors can ensure that both environmental compliance is maintained and prevent negative impact on human health and/or the environment.

### Response 3

Permittees must comply with the narrative requirements and limitations under Part III, Section D, for discharges adjacent to water in the state of wastewater from conventional water treatment processes.

TCEQ's Water Quality Assessment section conducted a technical review of the draft permit to ensure it contains all appropriate provisions and necessary requirements to ensure that where permit requirements are properly implemented, no significant degradation is expected and that existing uses will be maintained. The draft permit has been determined to be protective when permittees adhere to the requirements therein.

TCEQ made no changes to the draft permit in response to this comment.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**A RESOLUTION** in the matter of a Renewal with Amendment of a Texas Pollutant Discharge Elimination System General Permit Authorizing Discharges of Wastewater; General Permit No. TXG640000; TCEQ Docket No. 2025-0210-MIS

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

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

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

**WHEREAS**, a renewal with amendment of a Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state, was drafted and proposed by the Executive Director and is attached as Exhibit A;

**WHEREAS**, the TCEQ received a public comment on the general permit, and drafted a Response to Public Comment, which is attached as Exhibit B;

**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 September 10, 2025, public meeting. The commission, by this resolution, also hereby issues the Executive Director's Response to Comments as approved by the Commission during its September 10, 2025, public meeting as the Commission's Response to Public Comment, attached as Exhibit B.

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

It is so **RESOLVED**.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Brooke T. Paup, Chairwoman

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Date Signed