

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

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

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

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Wastewater Permitting Section
Water Quality Division

Date: December 11, 2009

Permit Action: Amendment with Renewal

I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to amend and reissue a general permit authorizing discharges resulting from the hydrostatic testing of vessels (pipelines, tanks, and other containers). The general permit authorizes discharges of hydrostatic test waters from: new vessels; existing vessels which only contained and/or transferred raw or potable water and did not contain corrosion inhibitors, antifreeze compounds, biocides, or other chemical additives (except chlorine); existing vessels that formerly contained only elemental gases (e.g. hydrogen, oxygen, nitrogen); and existing vessels which previously contained product or waste related to petroleum products.

II. Executive Director's Recommendation

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

III. Permit Applicability

- A. This general permit authorizes the discharge of hydrostatic test water. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit or another general permit.
- B. The following discharges are not eligible for general permit coverage:
 - (1) Discharges prohibited by 30 TAC, Chapter 311 (relating to A Watershed Protection) or 30 TAC 213 (relating to the Edwards Aquifer).
 - (2) 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 permit unless they are consistent with the approved (TMDL) and the implementation plan. The Executive Director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this permit, the discharger must apply for and receive an individual permit or other applicable general permit prior to discharging.

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- (3) Discharges into or adjacent to water in the state from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
- (4) Discharges determined by the Executive Director that do no maintain existing uses of receiving water.
- (5) 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.

C. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit nor an individual wastewater permit:

- (1) Recycling of the wastewater with no resulting discharge into or adjacent to water in the state.
- (2) Pumping and hauling of the wastewater to an authorized disposal facility.
- (3) Discharge to a publicly owned treatment work (POTW).
- (4) Underground injection in accordance with 30 TAC Chapter 331.
- (5) Discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the state

IV. Permit Effluent Limitations

1. The following effluent limitations apply to hyperchlorinated discharges from new vessels, existing vessels which contain or previously contained or transferred raw or potable water, or existing vessels which previously contained only elemental gases:

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

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

2. Discharges of hydrostatic test water from existing vessels that previously contained product or waste related to petroleum products are subject to the following effluent limitations:

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

²Samples shall be taken during the first hour of discharge. Samples must be collected at a point

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

immediately following discharge from the vessel and prior to commingling with storm water, wastewater, or other flows. For discharges that extend beyond an hour in duration, a second sample shall be taken of the last 10 % of the effluent.

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

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

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

V. Changes From Existing General Permit

1. Added definitions for owner, operator, facility, land application, and permittee in Part I, Definitions.
2. Clarified that the limitations for coverage regarding the Edwards Aquifer applies to discharges both on the Edwards aquifer and within 10 miles upstream of the Edwards aquifer in Part II, Permit Applicability and Coverage.
3. In Part II, Permit Applicability and Coverage, language was included regarding discharges to waters that have a TMDL or an endangered and threatened species.
4. In Part III, Permit Requirements, a requirement was included that states that if a hydrostatic retest of a vessel is required, no additional pollutant analyses is needed if the retest is within 30 days of the initial hydrostatic test, no exceedances of effluent limits occurred during the initial test and no pollutants were added to the vessel.
5. The general permit was revised throughout to clarify that the application requirements are applicable for both the owner and operator of the facility.
6. Added the requirement that all laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

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VI. Addresses

Comments on this proposed general permit should be sent to:

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

Questions concerning this draft general permit should be directed to:

Yvonna Miramontes
TCEQ, Water Quality Division
Wastewater Permitting Section (MC-148)
P.O. Box 13087
Austin, TX 78711-3087
(512) 239-6922

Supplementary information on this fact sheet is organized as follows:

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

VII. Legal Basis

§ 26.121 of the Texas Water Code (TWC) makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission. TWC § 26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC § 26.040 provides the commission with the authority to amend or adopt, as necessary to implement this section, rules adopted under § 26.040, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System (TPDES). The TCEQ and the EPA have signed a Memorandum of Agreement which authorizes the administration of the National Pollutant Discharge Elimination System (NPDES) program to the TCEQ as it applies to the State of Texas.

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

Two types of technology-based effluent limitations must be included in the general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand (BOD), oil and grease, total suspended

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solids (TSS), and fecal coliform bacteria, CWA § 301(b)(1)(E) requires effluent limitations based on “best conventional pollutant control technology” (BCT). With regard to nonconventional and toxic pollutants, CWA § 301(b)(2)(A), (C), and (D) requires effluent limitations based on “best available technology economically achievable” (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges before March 31, 1989 under CWA § 301(b)(1)(A).

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

VIII. Regulatory Background

The regulation of hydrostatic test water dischargers was initially through authorization by rule, 30 TAC Chapter 321, Subchapter G (relating to Hydrostatic Test Discharges) with an effective date of May 9, 1989. The permit by rule was replaced by TPDES General Permit TXG670000 in April 2005 and 30 TAC Chapter 321, Subchapter G was repealed in September 2007. The commission was given authority to issue general permits in place of authorizations by rule through legislation, HB 1542, passed during the 75th legislative session. Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76th legislative session.

IX. Permit Coverage

The purpose of this general permit is to regulate the discharge of water resulting from the hydrostatic testing of new or used pipelines, tanks, and other vessels used in pipeline transportation, storage, or otherwise containment of raw materials or products. Fill water used in hydrostatic testing may come from rivers, streams, lakes, ponds, wells, and municipal water supplies.

Hydrostatic testing is performed by sealing the vessel or, in the case of pipelines, the segment to be tested, and filling it with water. The pressure is increased to the desired level using a high pressure pump system. The pressure is usually held for a designated length of time in order to check the integrity of the vessel. Following the test, the pressure is released and the vessel is dewatered. After dewatering, the disinfection of the vessel may be required and hyperchlorinated water is flushed through the supply line or tank. The general permit also authorizes discharges resulting from this flushing of water supply lines or tanks for disinfection purposes.

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

1. Unless specifically exempted from notification requirements under Part II.C.4. of the permit, facilities that seek to discharge or dispose of waste under authority of this general permit must submit a completed Notice of Intent (NOI) on a form approved by the Executive Director. The NOI shall include the legal name and address of the owner and operator, the facility name and address, the location of the discharge (including the street address, if applicable, and the county), and the name of the receiving water.
2. Submission of an NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. If the discharge is not located on or within 10 miles of the Edwards

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Aquifer Recharge Zone, authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. The NOI must be submitted to the address indicated on the NOI form. If TCEQ provides for electronic submittal of NOIs during the term of this general permit, provisional authorization begins 24 hours following receipt of the electronic NOI form by the TCEQ. 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 the TCEQ.

3. 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:

Contact:

Comal, Bexar, Medina, Uvalde,
and Kinney

TCEQ
Water Program Manager
San Antonio Regional Office
14250 Judson Rd.
San Antonio, Texas
(210) 490-3096

Williamson, Travis, and Hays

TCEQ
Water Program Manager
Austin Regional Office
2800 S IH 35, Suite 100
Austin, TX 78704-5712
(512) 339-2929

4. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity changes, then both the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the change. Permittees discharging to an MS4 must submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.
5. If the owner or operator becomes aware that they failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information must be provided to the Executive Director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes (for example, phone number or P.O. Box number) an NOC must be submitted within 14 days of the change. Permittees discharging to an MS4 must submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

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X. Technology-Based Requirements

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

The first category of discharges have a very low potential to contain pollutants, however, some hydrostatic tests could include the hyperchlorination of the vessel for disinfection purposes. In these instances, the permit contains a requirement that the discharge must be dechlorinated to less than 0.1 mg/l total residual chlorine prior to discharge. The water used for the hydrostatic test in this category must not contain corrosion inhibitors, antifreeze compounds, or other chemical additives (except those present in potable water if potable water is the test source).

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

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

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

These effluent limitations are economically achievable and were established in the existing permit. No requirements for dechlorination are included in the general permit for this category of discharges, as the use of chlorine disinfection in such vessels is not a standard practice.

XI. Water Quality-Based Requirements

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

The Texas Surface Water Quality Standards (TSWQS) found at 30 TAC Chapter 307 state that “surface waters will not be toxic to man, or to terrestrial or aquatic life.” The methodology outlined in the “Implementation of the Texas Natural Resource Conservation Commission Standards via Permitting” is designed to insure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to insure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

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The applicable instream criteria for benzene are 0.005 mg/l for public drinking water sources, 0.312 mg/l to protect freshwater fisheries, and 0.208 mg/l to protect saltwater fisheries. The proposed general permit specifies an effluent limit of 0.05 mg/l for benzene. This effluent limit is expected to meet water quality standards, including standards for drinking water sources, when typical dilution assumptions are considered.

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

Chemical	Water and Fish Consumption	Freshwater		Saltwater	
		Aquatic Life Chronic	Sustainable Fisheries	Aquatic Life Chronic	Sustainable Fisheries
Benzene	0.005 ††	0.530 #	0.106 †	0.510 #	0.0708 †
Ethylbenzene	0.700 ††	1.090 §	29.000 ¶	0.249 §	29.0 ¶
Toluene	1.000 ††	1.450 §	28.952 ¶	0.475 §	19.301 ¶
Xylene	10.000 ††	1.340 §	No HH data	0.850 §	No HH data

† 30 TAC § 307, Table 3.

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

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

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

†† Minimum Concentration Level (MCL) specified in 30 TAC §290 (related to water hygiene).

The proposed effluent limitation for BTEX (benzene, toluene, ethyl benzene, xylene) of 0.5 mg/l is protective of water quality, with the exception that it could allow concentrations of the benzene at levels that might violate water quality standards based on the human health criteria. Therefore, a separate numeric effluent limitation is included for benzene.

A daily maximum effluent limit of 0.10 mg/l for total lead has been developed based on the protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs, and will help ensure that chronic criteria will be protected. Human health criteria is reasonably protected by the proposed lead limit, since rapid dilution (>10:1) is expected for any discharges into waterbodies that are large enough to constitute a public drinking water supply or a sustainable fishery.

A separate daily maximum effluent limit for total lead has been developed for discharges into the Cypress, Sabine, and Neches water basins. These basins contain water that is soft in comparison to others in the state of Texas and lead is more readily bioavailable under this condition. The limit for discharges into the Cypress, Sabine, and Neches water basins has been set at 0.02 mg/l.

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

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The discharges authorized under TPDES General Permit TXG670000 are not typically continuous flowing discharges and the limitations for pollutants of concern in the permit should preclude toxicity instream. The concentrations (LC 50) of these pollutants that exhibit fifty percent mortality are less protective than the concentrations in the permit. The Environmental Protection Agency's (EPA's) document, Quality Criteria for Water 1986 (EPA 440/5-86-001), also called the "Goldbook" list the aquatic life criterion for Benzene as 5.3 mg/l which is less protective than the 0.05 mg/l limit in the draft permit. Toxicity data compiled by the Water Quality Assessment Team shows LC 50s for sensitive freshwater species as 9.5 mg/l for Toluene, 21.8 mg/l for Ethylbenzene, and 5.9 mg/l for Xylenes. The LC 50s for marine species are 9.5 mg/l for Toluene, 5.0 mg/l for Ethylbenzene, and 7.4 mg/l for Xylenes. Therefore, the limits in the draft permit of 0.05 mg/l for Benzene, and 0.50 mg/l for BTEX should preclude toxicity instream, so the 24-hour acute toxicity tests are not required by the permit.

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

<u>Parameter</u>	<u>Daily Maximum mg/L</u>	<u>Daily Average mg/L</u>
Total Lead*	0.10	Report
Total Lead*	0.02	Report

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

XII. Monitoring

Monitoring is required by 40 CFR § 122.44(i) for each pollutant limited in a permit to ensure compliance with the permit limits. The proposed general permit 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, "Methods for Chemical Analysis of Water and Wastes" (1979), or the Environmental Protection Agency's, "Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents" (1973).
3. Sample containers, holding times, and preservation methods shall either follow the requirements specified in 40 CFR Part 136 or the latest edition of "Standard Methods for the Examination of Water and Wastewater."
4. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
5. The sampling point must be downstream of any treatment unit or treatment technique that is used to improve or otherwise alter the quality of the discharge.
6. Analytical results for determining compliance with effluent limitations shall be recorded on Discharge Monitoring Report (DMR) (EPA No. 3320-1), located at Part VI of the general permit.

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The DMR must be signed in accordance with the requirements in Part IV.8 of the general permit and be maintained as required. If the analytical results indicate a violation of one or more of the permitted effluent limitations, the permittee shall submit the original DMR to the address provided on the DMR by the 20th day of the month following the discharge. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.B.10 of the general 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 and time of laboratory analysis;
 - (d) identity of the individual and laboratory who performed the analysis;
 - (e) the technique or method of analysis;
 - (f) the results of the analysis or measurement; and
 - (g) quality assurance / quality control records.

8. If the permittee monitors any pollutant in a discharge more frequently than required by the permit using approved analytical methods as specified in Part IV.7 of the general permit, all results of such monitoring shall be included in the calculation and recording of the values on the DMR. Increased frequency of sampling shall be indicated on the DMR.

XIII. Procedures for Final Decision

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

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

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

Any person, agency, or association may make a request for a public comment hearing on the proposed general permit to the Executive Director of the TCEQ before the end of the public comment period. A public comment hearing 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 comment hearing is intended for the taking of public comment and is not a contested case proceeding under the Administrative Procedure Act. The Executive Director may call and conduct public meetings in response to public comment.

If the Executive Director calls a public meeting, the Commission will give notice of the date, time, and place of the meeting, as required by TCEQ rules. The Executive Director shall prepare a written 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

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response to public comment shall be made available to the public and filed with the chief clerk at least ten days before the Commission acts on the general permit.

XIV. Administrative Record

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

A. TPDES Permits

TPDES General Permit for Discharges of Hydrostatic Test Waters (TXG670000)

B. 40 CFR Citations

40 CFR Parts 122, 124, 136

C. TCEQ Rules

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

D. Letters/Memoranda/Records of Communication

Interoffice Memorandum dated June 12, 2009, from the Standards Implementation Team (J.Trevino) to the Industrial Permit Team.

E. Miscellaneous

Quality Criteria for Water (1986), EPA 440/5-86-001, 5/1/86.

The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Natural Resource Conservation Commission, December 1996.

Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10.

"Implementation of the Texas Natural Resource Conservation Commission Standards via Permitting," Texas Natural Resource Conservation Commission, August 1995.

"TCEQ Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," TCEQ Document No. 98-001.000-OWR-WQ, May 1998.