



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FEB 13 2014

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 7012 3050 0001 6504 7865)

REPLY TO: 6WQ-NP

Mr. Matthew C. Findley
DCP Midstream, Eagle Gas Plant
370 17th Street, Ste. 2500
Denver, CO 80202

Re: NPDES Application No. TX0133992 – Eagle Gas Plant, Jackson Co., TX

Dear Mr. Findley:

This package constitutes EPA's final permit decision for the above referenced facility. Enclosed are the responses to comments received during the public comment period and the final permit. According to EPA regulations at 40 CFR 124.19, within 30 days after a final permit decision has been issued, any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision.

Should you have any questions regarding the final permit, please feel free to contact Maria Okpala of the NPDES Permits Branch at the above address or by telephone: (214) 665-3152, by fax: (214) 665-2191, or by E-mail: okpala.maria@epa.gov. Should you have any questions regarding compliance with the conditions of this permit, please contact the Water Enforcement Branch at the above address or by telephone: (214)-665-6468.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W. K. Honker".

William K. Honker, P.E.
Director
Water Quality Protection Division

Enclosures

cc w/enclosures:
Texas Railroad Commission

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2020



MEMORANDUM

TO: REGIONAL ADMINISTRATOR, REGION 6, U.S. ENVIRONMENTAL PROTECTION AGENCY, DALLAS, TEXAS

DATE: 11/14/2000

FROM: [Name], [Title]
[Address]
[City, State, Zip]

SUBJECT: [Subject]

RE: [Reference]

The purpose of this memorandum is to advise you of the results of the [action] conducted on [date] at [location]. The results of the [action] are as follows: [details].

It is recommended that you [action] on the [date] at [location]. This recommendation is based on the [information] provided to you on [date].

[Signature]
[Name]
[Title]

Very truly yours,

[Name]
[Title]

**NPDES PERMIT NO. TX0133992
RESPONSE TO COMMENTS**

**RECEIVED ON THE SUBJECT DRAFT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT IN ACCORDANCE WITH REGULATIONS LISTED AT 40CFR124.17**

APPLICANT:

DCP Midstream, Eagle Gas Plant
370 17th Street, Suite 2500
Denver, CO 80303

ISSUING OFFICE:

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

PREPARED BY:

Maria Okpala
Environmental Engineer
Permits Section (6WQ-PP)
NPDES Permits Branch
Water Quality Protection Division
Telephone: 214-665-3152
FAX: 214-665-2191
EMAIL: okpala.maria@epa.gov

PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on June 1, 2013.

DATE PREPARED: November 18, 2013

Introduction. For brevity, Region 6 used acronyms and abbreviated terminology in this response to comments document whenever possible. The following acronyms were used frequently in this document: Act (Clean Water Act), BOD(Biochemical Oxygen Demand), DMR (Discharge Monitoring Report), EPA (Environmental Protection Agency), NPDES (National Pollutant Discharge Elimination System), RRC (Railroad Commission of Texas), SOB(Statement of Basis), TRC(Total Residual Chlorine), WET(Whole Effluent Toxicity) and WQS (Water Quality Standards).

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of November 15, 2013.

CHANGES FROM DRAFT PERMIT

EPA made the following changes to the draft NPDES permit publicly noticed on June 1, 2013:

1. The final permit has been corrected to reflect the correct zip code.
2. The strikethrough text format on page 6 of Part II has been removed from the final permit.

STATE CERTIFICATION

In a letter from Leslie Savage, Water Quality Certification Agent (RRC) to William K. Honker, P.E., Director, Water Quality Protection Division (EPA) dated November 15, 2013; the RRC certifies that the permitted activities will be conducted in a manner which will not violate any applicable water quality requirements. The Commission hereby grants certification of the referenced permit for compliance with applicable state water quality laws.

COMMENTS FROM DCP MIDSTREAM, EAGLE GAS PLANT

Comment No. 1: The permittee inquired about the difference between a proposed permit and a draft permit. The permittee affirmed that 40 CFR 122.2 these two terms are not interchangeable. DCP permit stated it reviewed a permit that was stamped "proposed."

Response No. 1: *Proposed permit* means a State NPDES "permit" prepared after the close of the public comment period (and, when applicable, any public hearing and administrative appeals) which is sent to EPA for review before final issuance by the State. A "proposed permit" is not a "draft permit."

Draft permit means a document prepared under § 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in § 124.5, are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination, as discussed in § 124.5, is not a "draft permit." A "proposed permit" is not a "draft permit."

EPA concurs with the permittee that the DCP permit reviewed should have been stamped "DRAFT" and not "Proposed."

Comment No. 2: The permittee noted that Matthew C. Findley (not Finley) is misspelled in the cover letter and twice in the Statement of Basis, Item XVIII.

Response No. 2: The requested changes are noted for the record.

Comment No. 3: The permittee noted that James Machin (not Machines) is misspelled in the SOB, Item XVII E.

Response No.3: The requested changes are noted for the record.

Comment No. 4: The permittee noted that the facility's mailing address is its corporate office in Denver, Colorado and the correct zip code is 80202. The zip code was entered incorrectly on Form 1 in its application

Response No. 4: The requested changes are noted for the record. The final permit has been corrected to reflect the correct zip code.

Comment No. 5: The permittee requested that on the SOB Item II, and Draft Permit, pp.1 and 4 of Part I, to add "N" and "W" codes after the latitude and longitude values for Outfall 001 to avoid mapping errors when using this coordinate.

Response No. 5: The requested "N" and "W" codes after the latitude and longitude values for Outfall 001 coordinates have been included in the final permit.

Comment No. 6: The permittee requested that the following additional information be incorporated into the "Process and Discharge Description" in the SOB:

"The reverse osmosis (RO) plant is projected to produce an average of 6,000 gpd (0.006 MGD). Concentrate flow is not expected to be continuous, but is likely to be a few hours per day. The concentrate will be comingled with stormwater and held in an on-site storm water detention pond. The discharge from this pond will be the permitted discharge from Outfall 001. Most importantly, this discharge will be intermittent. Much of the time, it is expected that losses/evaporation from the pond will exceed inflows, so discharges will only be made when the pond is full."

Response No. 6: The additional information described above are noted for the record.

Comment No. 7: The permittee stated that the requirements for WET testing should be removed from the proposed permit since the toxicity of stormwater and RO concentrate can be adequately assessed and controlled using chemical-specific monitoring and effluent limitations rather than WET testing. The permittee stated that the effluent is simply brackish RO concentrate mixed with stormwater which would not result in a novel antagonistic or synergistic toxic effect. The permittee further argued that there are no water treatment chemicals or biocides added in the process or in the effluent. In addition, the permittee stated that requiring WET testing for these flows would be inconsistent with other similar state and federal permits that

discharge RO concentrate, most of which have flows and salinity levels that are orders-of-magnitude more than our proposed discharge. The permittee reiterated EPA's statement in the SOB which made it clear that it is not strictly bound by the Texas' "Procedures to Implement the Texas Surface Water Quality Standards (IP)," when developing this permit, but would make an effort to use the State's procedures when appropriate. The permittee stated that EPA appears to have ignored the Texas IP by attaching WET testing requirements to this permit. The permittee also noted that Eagle gas plant will not be a major discharger of either industrial or domestic wastewater and will not have a continuous discharge. Based on these considerations, WET testing would not normally be required for this permit. The permittee needs explanation of why this part of the Texas IP document was ignored when drafting this permit.

Response No. 7: EPA understands the permittee's concern regarding WET testing requirement established in the draft permit. However, information contained in the application shows that TDS is present in the discharge. The TDS effluent concentration found in the permit application is 3,900 mg/l. The permittee stated in its application that the receiving stream for Eagle Gas Plant is a constructed drainage ditch that is ephemeral. According to the Texas IP, the screening value, C_{sv}, for this type of receiving stream is 4,000 mg/l. Since the effluent concentration of 3,900 mg/l is close to the TDS screening value, a TDS monitoring requirements was established in the proposed permit.

EPA conducts Reasonable Potential (RP) for WET testing using EPA procedure. Toxicity due to TDS can be present in the discharge. Biomonitoring requirements were proposed in the draft permit because of the level of TDS in the effluent. Since there is no dilution, the discharge will have a potential for toxicity. The Region has consistently required biomonitoring in situations where TDS has a reporting requirement or a reasonable potential to violate WQS. EPA is aware that the TDS data presented in the permit application is based on a projected value. If the permittee submits three sets of TDS sample, taken at least two weeks apart, EPA may re-evaluate the TDS and biomonitoring requirements established in the draft permit. The permittee may wish to apply for a major modification at that time. The final permit retains the reporting requirements for TDS and WET established in the draft permit.

Comment No. 8: The permittee stated that the Texas WQS excluded the definition of toxicity from the adverse effects caused by concentrations of dissolved salts from source waters. The permittee noted that all salts present in RO concentrate are derived from the groundwater source and will add no salts (or water treatment chemicals or biocides) to effluent from the Eagle Gas Plant. The permittee also stated that the exclusions that Texas incorporated into their definition of toxicity in their WQS renders toxicity-based permit conditions unnecessary for this permit. The permittee then noted that the "Screening Procedures and Permit Limits for TDS" section in the IP contains provisions to protect surface waters from adverse effects of dissolved salts. The permittee concluded that there is no concern for TDS in its effluent.

Response No. 8: EPA concurs with the permittee on the provisions of Texas WQS, 30 TAC 703.3.a.77, which concerns total toxicity and biomonitoring requirements: that the adverse effects caused by concentrations of dissolved salts (such as sodium, potassium, calcium, chloride, carbonate) in source waters are excluded from the definition of toxicity. EPA notes

that the TDS concentration obtained from the permit application is different from the TDS concentration in the source waters as referenced in the provisions of Texas WQS, 30 TAC 703.3.a.77. EPA also notes that it used the same screening procedures mentioned by the permittee in its comments. Using the same procedure found on page 87 of the IP, the effluent concentration of 3,900 mg/l is less than the TDS screening value, 4,000 mg/L. TDS limitations were not established in the draft permit. However, EPA concluded that TDS monitoring be established in the draft permit, since the effluent TDS concentration is close to the TDS screening value. And since there is no dilution, the discharge will have a potential for toxicity. As a result, TDS and WET reporting requirements were established in the draft permit. See also Comment No. 7.

Comment No. 9: The permittee wants clarification on how it would derive values for 30-day average minimum WET and 48-hour minimum WET when conducting pass/fail WET testing on a quarterly basis.

Response No.9: EPA notes that the 30-day average and 48-hour minimum, as in any pollutant testing when the frequency is described as for example, once per quarter, but the reporting frequency is once per month as all DMRs require, then the test is reported as the one test performed. A single test is reported as the average and the maximum, and both must pass with the same sample. But if the facility wishes to take daily samples, then they must report those extra tests, and the average they report would be based on all the extra tests. 40 CFR 122.41(l)(4)(ii) states that, "If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director."

A passing test means that they are compliant over the full 3-months in that quarter, but likewise a failure of that one test means they have a 3-month of failures and that increases the potential amount of penalties, since the facility cannot demonstrate that they were passing in the other 2-months they did not test. This is similar to a 30-day average of 30 mg/l Oil & Grease and a 45 mg/l daily maximum Oil & Grease, with once per month monitoring. For example, if the facility sample the first day of the month, reported a 35 mg/l, the facility would get a monthly average failure but pass their daily maximum test. The facility can also take more samples within that month, but must average all the samples taken. If the average is lower than the 30 mg/l monthly limit and they never exceeded the daily maximum of 45 mg/l, then the facility is in compliant with the Oil and Grease limit.

Comment No. 10: The permittee is concerned on the 100 % critical dilution and the concomitant requirements triggered by WET test failure which it believes makes this a permit limit. The permittee also noted that the draft permit established report- only WET testing and the SOB stated that no WET limits will be established. The permittee inquired on EPA's intent when specifying the critical dilution and including conditional requirements for additional monitoring and toxicity evaluations in the proposed permit.

Response No.10: The facility discharges into an unnamed drainage ditch, 2.8 miles upstream from Sutherlands Creek. Sutherlands Creek is an intermittent stream. Sutherlands Creek discharges into Brushy Creek which in turn discharges into Sandy Creek, then to Lake Texana, Segment 1604C of the Lavaca River Basin. This is an intermittent waterbody that does not enter any perennial water bodies within three miles. According to the Texas IP, the critical low flow, 7Q2 for the receiving stream is 0.02 cfs, and the critical dilution is 100%. The Texas IP directs WET test to be a 48-hour acute testing using *Daphnia pulex* and *Pimephales promelas* at a quarterly (once per three-month) frequency for both the vertebrate and the invertebrate test.

The concomitant requirements triggered by WET test failures for *Daphnia pulex* and *Pimephales promelas* acute static renewal 48-hour definitive toxicity test are based on the EPA publication cited at EPA-821-R-02-012, or the latest update thereof. The permit does not presume that the permittee will fail WET testing, and therefore does not include WET limits. Failure of WET testing simply triggers WET limits.

Comment No. 11: The permittee referenced the SOB Section V.C.5.c, paragraph 2, and wants to identify the name of the receiving stream that is associated with the critical low flow values and the name of the intermittent water body in the fourth sentence of the paragraph. The permittee inquired on the source for the flow values that were used.

Response No. 11: The outfall discharges into an unnamed ditch 2.8 miles upstream from Sutherlands Creek which is an intermittent stream. Sutherlands Creek discharges into Brushy Creek which in turn discharges into Sandy Creek, Texas Segment 1604C. The critical flows and critical conditions were derived as follows:

EPA reviewed the information for determining critical conditions and found out that the reference Gage information – Gage ID 08164450 is wrong. The correct gage station is Gage ID 08164800. Based on the corrected gage station, the critical flows and critical conditions are as follows:

CRITICAL FLOWS (Determined by interpolating flow information from an existing stream gage using known Contributing Drainage Areas.)

Reference Gage information – Gage ID 08164800, Drainage Area 68.3 square miles, 7Q2 (7-day, 2- year flow) is 0.07 cubic feet per second, and Harmonic Mean (HM) Flow is 0.21 cubic feet per second.

Outfall 001 information - Contributing Drainage Area is 16.0 square miles.

Calculations –

Harmonic Mean of Outfall = Harmonic Mean Reference x
(Outfall Drainage / Reference Drainage)

HM = 0.21 x 16.0 / 68.3 = 0.05 cubic feet per second

An Intermittent Stream indicated on topographic maps and in reference datasets showing stream

locations which mean 7Q2 should be less than 0.1 CFS.

$7Q2 \text{ of Outfall} = 7Q2 \text{ of Reference} \times (\text{Outfall Drainage} / \text{Reference Drainage})$

$7Q2 = 0.07 \times 16.0 / 68.3 = 0.02$ cubic feet per second

It is important to note that using the corrected gage station did not change the 7Q2 or the harmonic mean of the Outfall.

The data used in the computation of the low flow of the Eagle Gas Plant comes from TCEQ at www.tceq.texas.gov/assets/public/remediation/trrp/streamlowflow.xls

Comment No. 12: The permittee referenced SOB Section V.C.5.c, paragraph 3 and commented that several of the pollutants listed in Tables III and IV of 40 CFR 122, Appendix D are not components of effluents from Eagle Gas Plant. Examples of such components include cyanide, phenols, total residual chlorine, radionuclides, and fecal coliforms. The permittees remarked that it is inappropriate to require wholesale monitoring for all the pollutants in these tables considering the nature of operations at the Eagle Gas Plant and the nature of the effluent. The permittee believed that it should work with EPA to characterize this new discharge using a sampling plan that is specific to the facility. The facility anticipates that after data is received and the permit is re-opened, EPA will re-evaluate monitoring requirements (including WET testing), permit limits, and other conditions in the permit and will re-evaluate TDS using procedures in the Texas IP.

Response No. 12: EPA is aware that several of the components listed in Tables III and IV of 40 CFR 122, Appendix D are not components of effluents from Eagle Gas Plant. For such pollutants like cyanide, phenols, total residual chlorine, radionuclides, and fecal coliforms etc, a "not applicable" or "believed absent" should be marked beside such pollutant. EPA expects the facility to sample for those pollutants especially metals, TDS, pH, hardness, and TSS that are likely to be present in its effluent. EPA will re-evaluate the current permit conditions based on real sample results from the facility's effluent.

Comment No. 13: The permittee noted that the SOB, item V.E., Paragraph 4 describes the discharge as treated groundwater, however, the discharge is stormwater and RO concentrate

Response No. 13: The requested change is noted for the record.

Comment No. 14: The permittee noted that the SOB, item XII referenced New Mexico WQS – it should be Texas.

Response No. 14: The requested change is noted for the record.

Comment No. 15: The permittee noted that page 5 in Part I of the proposed permit has a section prohibiting chromium and zinc additives. A clarification is needed by the permittee on the meaning of the term "utility waters" within the context of the Eagle Gas Plant.

Response No. 15: Information contained in the application reveals that the wastewater-generating process is reverse osmosis treatment of groundwater. Groundwater under pressure is forced through semi-permeable membranes. The permeate (pure water) is used in the plant, and the concentrate (wastewater) is discharged to an on-site detention pond prior to discharge from the site.

Utility waters in the context of Eagle Gas Plant mean the pure water used in the plant. The final permit prohibits products containing chromium and zinc from use as additives to the pure water.

Comment No. 16: The permittee also noted that page 6 in Part II of the proposed permit has text with strikethrough formatting. The permittee presumed that this text will be removed from the final permit.

Response No. 16: The strikethrough text format on page 6 of Part II has been removed from the final permit.



REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

NPDES Permit No TX0133992

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

DCP Midstream, Eagle Gas Plant
370 17th Street, Suite 2500
Denver, CO 80202

is authorized to discharge from a facility located at 3048 CR 282, Edna, Jackson County, Texas.

from Outfall 001: Latitude 29° 8' 9"N; Longitude 96° 39' 32"W which discharge into an unnamed drainage ditch 2.8 miles upstream from Sutherlands Creek, then to Brushy Creek which in turn discharges into Sandy Creek, then to Lake Texana, Segment 1604C of the Lavaca River Basin.

in accordance with this cover page and the effluent limitations, monitoring requirements, and other conditions set forth in Part I, Part II and Part III hereof.

This permit shall become effective on *APRIL 1, 2014*

This permit and the authorization to discharge shall expire at midnight, *MARCH 31, 2019*

Issued on *FEBRUARY 13, 2014*

Prepared by

William K. Honker, P.E.
Director
Water Quality Protection Division (6WQ)

Maria E. Okpala
Environmental Engineer
Permits & Technical Section (6WQ-PP)

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PART I – REQUIREMENTS FOR NPDES PERMITS

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS

1. Outfall 001 – Reverse Osmosis Reject Water and Storm Water – 0.006 MGD Average Flow
 During the period beginning on the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge reverse osmosis reject water and stormwater from Outfall 001, thence to an unnamed drainage ditch 2.8 miles upstream from Sutherlands Creek, then to Brushy Creek which in turn discharges into Sandy Creek, then to Lake Texana, Segment 1604C of the Lavaca River Basin. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	STORET CODE	Standard Units	MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.5	MAXIMUM	Once/month (*1)	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	STORET CODE	lbs/day, unless noted	DAY MAX	MON AVG	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	N/A	Continuous	Record
TDS	70295	Report	Report	Report	Once/month (*1)	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
	30-DAY AVG MINIMUM	48-Hour MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
WHOLE EFFLUENT TOXICITY (48-Hour Static Renewal) (*2)				
Daphnia pulex	Report	Report	1/Quarter	24-Hr Composite
Pimephales promelas	Report	Report	1/Quarter	24-Hr Composite

Footnotes:

*1 When discharging

*2 Monitoring and reporting requirements begin on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

SAMPLING LOCATION(S) AND OTHER REQUIREMENTS

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit prior to the receiving stream from the following approximate location:

Outfall 001: Latitude 29° 8' 9"N; Longitude 96° 39' 32"W

FLOATING SOLIDS, VISIBLE FOAM AND/OR OILS

There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no discharge of visible films of oil, globules of oil, grease or solids in or on the water, or coatings on stream banks.

SECTION B. SCHEDULE OF COMPLIANCE

NONE

SECTION C. MONITORING AND REPORTING (MINOR DISCHARGERS)

1. Monitoring results must be reported to EPA on either the electronic or paper Discharge Monitoring Report (DMR) approved formats. Monitoring results can be submitted electronically in lieu of the paper DMR Form. To submit electronically, access the NetDMR website at www.epa.gov/netdmr and contact the R6NetDMR@epa.gov in-box for further instructions. Until you are approved for Net DMR, you must report on the Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. No additional copies are needed if reporting electronically, however when submitting paper form EPA No. 3320-1, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and other agencies as required. (See Part III.D.IV of the permit.)

Discharge Monitoring Report Form(s) shall be submitted quarterly. Each quarterly submittal shall include separate forms for each month of the reporting period.

2. Reporting periods shall end on the last day of the months March, June, September, and December.

3. The first Discharge Monitoring Report(s) shall represent facility operations from the effective date of the permit through the last day of the current reporting period.

4. Thereafter, the permittee is required to submit regular quarterly reports as described above and shall submit those reports postmarked no later than the 28th day of the month following each reporting period.

5. NO DISCHARGE REPORTING - If there is no discharge from any outfall during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.

6. If any daily maximum or monthly average value exceeds the effluent limitations specified in Part I. A, the permittee shall report the excursion in accordance with the requirements of Part III. D.

7. Any daily maximum or monthly average value reported in the required Discharge Monitoring Report which is in excess of the effluent limitation specified in Part I. A shall constitute evidence of violation of such effluent limitation and of this permit.

The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge.

All reports shall be sent both to EPA and the Texas Railroad Commission at the addresses shown in Part III of the permit.

D. WATER TREATMENT CHEMICAL PROHIBITION

Products containing chromium and zinc will be prohibited from use as additives to the utility waters.

PART II - OTHER REQUIREMENTS

A. MINIMUM QUANTIFICATION LEVEL (MQL)

See list of MQL's at Appendix A of Part II below. For pollutants listed on Appendix A of Part II with MQL's, analyses must be performed to the listed MQL. If any individual analytical test result is less than the MQL listed, a value of zero (0) may be used for that pollutant result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

In addition, any additional pollutant sampling for purposes of this permit, including renewal applications or any other reporting, shall be tested to the MQL shown on the attached Appendix A of Part II. Results of analyses that are less than the listed MQL may be reported as "non detect" (ND).

B. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.7.b.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to EPA Region 6, Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas, at (214) 665-6595, and concurrently to Railroad Commission of Texas, at (512) 463-6804, within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

NONE

C. 40 CFR PART 136 ANALYTICAL REQUIREMENTS

Unless otherwise specified in this permit, monitoring shall be conducted according to the analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136 in effect on the effective date of this permit. Appendices A, B, and C to 40 CFR Part 136 are specifically referenced as part of this requirement. Amendments to 40 CFR Part 136 promulgated after the effective date of this permit shall supersede these requirements as applicable.

D. REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of the Texas Commission on Environmental Quality (TCEQ) Water Quality Standards for Interstate and Intrastate Streams are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the Water Quality Standards are either revised or promulgated by the TCEQ. Should the State adopt a State water quality standard, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard in accordance with 40CFR122.44 (d). Modification of the permit is subject to the provisions of 40CFR124.5.

If a new or revised TMDL is determined for the receiving stream, the permit may be reopened, and new limitations based on the TMDL may be incorporated into the permit. Additionally, in accordance with 40 CFR Part 122.62 (a) (2), the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance. Permit modifications shall reflect the results of any of these actions and shall follow regulations listed at 40 CFR Part 124.5.

E. STORM WATER POLLUTION PREVENTION

Stormwater continues to be a component of the discharge through Outfall 001. This section applies to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit. The language below has been included in this permit to control stormwater through discharges in individual permits:

1. The permittee shall continue to implement and within six (6) months of the effective date of the final permit revise as necessary, a Storm Water Pollution Prevention Plan (SWP3). The terms and conditions of the SWP3 shall be an enforceable Part of the permit.
2. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph E.2.d and E.2.e below. The annual report shall be retained onsite and available upon request.

The following "limits" shall apply:

- a. The permittee shall continue to identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the facility; continue to implement practices which will be used to reduce pollutants in storm water discharges from the facility; and assure compliance with the terms and conditions of this permit.
- b. The permittee must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s). The permittee must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date you prepare or amend your SWPPP.
Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.
- c. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances

which result in significant amounts of pollutants reaching surface waters, the SWP3 shall include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

- d. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWP3 and the permit, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspectors(s), conditions found, and changes to be made to the SWP3.
- e. The summary report and the following certification shall be signed and attached to the SWP3 and provided to the local Municipal Separate Storm Sewer System (MS4) operator, Environmental Protection Agency and the Railroad Commission of Texas upon request.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signatory requirements for the certification may be found in Part III, Section D.11 of this permit.

- f. The permittee shall make available to the Agency, the Railroad Commission of Texas, and/or the USFWS, upon request, a copy of the SWP3 and any supporting documentation.
3. The following shall be included in the SWP3, if applicable.
- a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:
 - i. maintaining adequate road and driveway surfaces;
 - ii. removing debris and accumulated solids from the drainage system;
 - and
 - iii. cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.
 - b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or

Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface). In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

- c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.
 - d. All waste fuel, lubricants, coolants, solvents, or other fluids used in repair or maintenance of vehicles or equipments shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.
 - e. Stormwater Pollution Prevention Plan must be consistent with the requirements of the current Oil Pollution Prevention regulations.
 - f. Prior to discharge of uncontaminated stormwater from a secondary containment area, the permittee will conduct a visual inspection of the containment area for a visible sheen, an odor associated within the tanked products, and/or a stain pattern within the contained area that is indicative of a spill or leak into that area. No dewatering of the area is allowed under the condition of this permit, if evidence exists of a spill or leak, unless the discharge will not exceed 50 mg/l TOC, 15 mg/l Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units.
 - g. The permittee shall assure compliance with all applicable regulations promulgated under 40 CFR Part 257. Management practices required under regulations found in this Part shall be referenced in the SWP3.
 - h. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
 - i. If the SWP3 proves to be ineffective in achieving the general objectives preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.
4. The facility shall maintain SWP3 describing how the above limits will be met.

(F). WHOLE EFFLUENT TOXICITY TESTING (48-HOUR ACUTE NOEC FRESHWATER)

It is unlawful and a violation of this permit for a permittee or his designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test.

Once initiated, all toxicity tests must be completed unless specific authority has been granted by EPA Region 6 or the State NPDES permitting authority.

1. SCOPE AND METHODOLOGY

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S): 001

REPORTED ON DMR AS FINAL OUTFALL: 001

CRITICAL DILUTION (%): 100 %

EFFLUENT DILUTION SERIES (%): 32%, 42%, 56%, 75%, & 100%

COMPOSITE SAMPLE TYPE: Defined at PART I

TEST SPECIES/METHODS: 40 CFR Part 136

Daphnia pulex acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

Pimephales promelas (Fathead minnow) acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Lethal Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Acute test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution.
- c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. PERSISTENT LETHALITY

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal effects at or below the critical dilution. Significant lethal effects are herein defined as a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent). The purpose of additional tests (also referred to as 'retests' or confirmation tests) is to determine the duration of a toxic event. A test that meets all test

acceptability criteria and demonstrates significant toxic effects does not need additional confirmation.

Such testing cannot confirm or disprove a previous test result.

If any valid test demonstrates significant lethal effects to a test species at or below the critical dilution, the frequency of testing for this species is automatically increased to once per quarter with no option for frequency reduction.

a. Part I Testing Frequency Other Than Monthly

- i. The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant lethal effects at or below the critical dilution. The additional tests shall be conducted monthly during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with procedures outlined in Item 4 of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.
- ii. If any of the additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section. The permittee shall notify EPA in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required due to a demonstration of intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.
- iii. The provisions of Item 2.a are suspended upon submittal of the TRE Action Plan.

b. Part I Testing Frequency of Monthly

The permittee shall initiate the Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section when any two of three consecutive monthly toxicity tests exhibit significant lethal effects at or below the critical dilution. A TRE may also be required due to a demonstration of intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.

3. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. Each toxicity test control (0% effluent) must have a survival equal to or greater than 90%.
- ii. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: Daphnia pulex survival test; and Fathead minnow survival test.
- iii. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal effects are exhibited for: Daphnia pulex survival test; and Fathead minnow survival test.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

b. Statistical Interpretation

For the Daphnia pulex survival test and the Fathead minnow survival test, the statistical analyses used to determine if there is a statistically significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-012 or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 3.a above and the percent survival of the test organism is equal to or greater than 90% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report an NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;
 - (A) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - (B) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

- (A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;
- (B) the test indicating receiving water toxicity has been carried out to completion (i.e., 48 hours);
- (C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and
- (D) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

- i. The permittee shall collect two flow-weighted composite samples from the outfall(s) listed at Item 1.a above.
- ii. The permittee shall collect a second composite sample for use during the 24-hour renewal of each dilution concentration for both tests. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- iii. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
- iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 4 of this section.

4. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation Section of EPA-821-R-02-012, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports upon the specific request of the Agency. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- b. A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. Only ONE set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST Survival results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for EPA review.
- c. The permittee shall report the following results of each valid toxicity test on the subsequent monthly DMR for that reporting period in accordance with PART III.D.4 of this permit. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.
 - i. Pimephales promelas (Fathead minnow)
 - (A) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM6C.
 - (B) Report the NOEC value for survival, Parameter No. TOM6C.
 - (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM6C.
 - ii. Daphnia pulex
 - (A) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM3D.
 - (B) Report the NOEC value for survival, Parameter No. TOM3D.
 - (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM3D.
- d. Enter the following codes on the DMR for retests only:

- i. For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
- ii. For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

5. TOXICITY REDUCTION EVALUATION (TRE)

a. Within ninety (90) days of confirming lethality in the retests, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:

- i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA-600/6-91/003) or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

- ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests

shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 24 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

- iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
 - iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).
- b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
- c. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
- i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
 - iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution.

A copy of the TRE Activities Report shall also be submitted to the state agency.

- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

- e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly

testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

6.

MONITORING FREQUENCY REDUCTION

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for one or both test species, with no lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the *Daphnia pulex*).
- b. **CERTIFICATION** - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a. above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance System section to update the permit reporting requirements.
- c. **SURVIVAL FAILURES** - If any test fails the survival endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.
- d. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

APPENDIX A of PART II

The following Minimum Quantification Levels (MQL's) are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

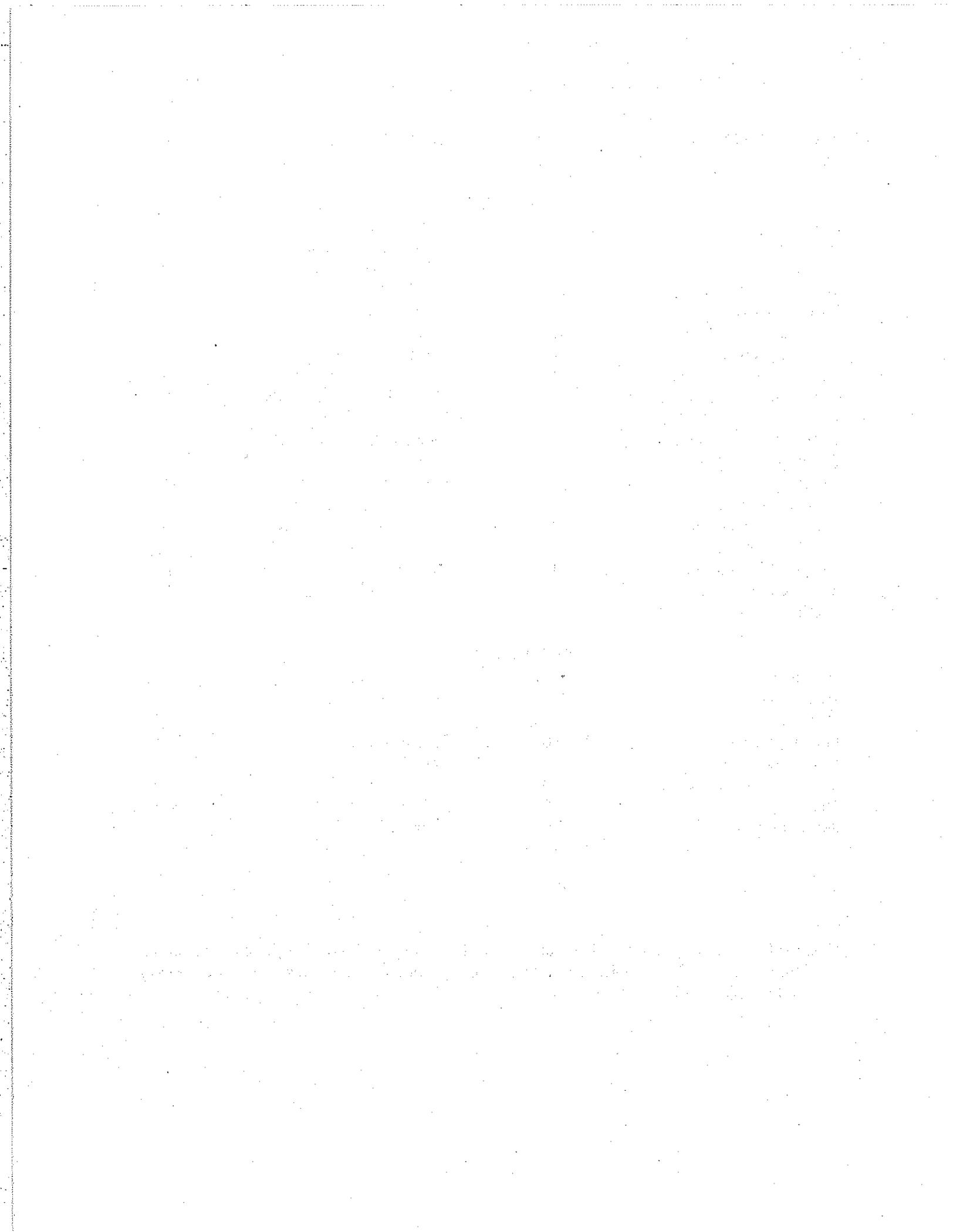
POLLUTANTS	MQL µg/l	POLLUTANTS	MQL µg/l
METALS, RADIOACTIVITY, CYANIDE and CHLORINE			
Aluminum	2.5	Molybdenum	10
Antimony	60	Nickel	0.5
Arsenic	0.5	Selenium	5
Barium	100	Silver	0.5
Beryllium	0.5	Thallium	0.5
Boron	100	Uranium	0.1
Cadmium	1	Vanadium	50
Chromium	10	Zinc	20
Cobalt	50	Cyanide	10
Copper	0.5	Cyanide, weak acid dissociable	10
Lead	0.5	Total Residual Chlorine	33
Mercury *1	0.0005 0.005		
DIOXIN			
2,3,7,8-TCDD	0.00001		
VOLATILE COMPOUNDS			
Acrolein	50	1,3-Dichloropropylene	10
Acrylonitrile	20	Ethylbenzene	10
Benzene	10	Methyl Bromide	50
Bromoform	10	Methylene Chloride	20
Carbon Tetrachloride	2	1,1,2,2-Tetrachloroethane	10
Chlorobenzene	10	Tetrachloroethylene	10
Clorodibromomethane	10	Toluene	10
Chloroform	50	1,2-trans-Dichloroethylene	10
Dichlorobromomethane	10	1,1,2-Trichloroethane	10
1,2-Dichloroethane	10	Trichloroethylene	10
1,1-Dichloroethylene	10	Vinyl Chloride	10
1,2-Dichloropropane	10		
ACID COMPOUNDS			
2-Chlorophenol	10	2,4-Dinitrophenol	50
2,4-Dichlorophenol	10	Pentachlorophenol	5
2,4-Dimethylphenol	10	Phenol	10
4,6-Dinitro-o-Cresol	50	2,4,6-Trichlorophenol	10

POLLUTANTS	MLQ µg/l	POLLUTANTS	MLQ µg/l
BASE/NEUTRAL			
Acenaphthene	10	Dimethyl Phthalate	10
Anthracene	10	Di-n-Butyl Phthalate	10
Benzidine	50	2,4-Dinitrotoluene	10
Benzo(a)anthracene	5	1,2-Diphenylhydrazine	20
Benzo(a)pyrene	5	Fluoranthene	10
3,4-Benzofluoranthene	10	Fluorene	10
Benzo(k)fluoranthene	5	Hexachlorobenzene	5
Bis(2-chloroethyl)Ether	10	Hexachlorobutadiene	10
Bis(2-chloroisopropyl)Ether	10	Hexachlorocyclopentadiene	10
Bis(2-ethylhexyl)Phthalate	10	Hexachloroethane	20
Butyl Benzyl Phthalate	10	Indeno(1,2,3-cd)Pyrene	5
2-Chloronaphthalene	10	Isophorone	10
Chrysene	5	Nitrobenzene	10
Dibenzo(a,h)anthracene	5	n-Nitrosodimethylamine	50
1,2-Dichlorobenzene	10	n-Nitrosodi-n-Propylamine	20
1,3-Dichlorobenzene	10	n-Nitrosodiphenylamine	20
1,4-Dichlorobenzene	10	Pyrene	10
3,3'-Dichlorobenzidine	5	1,2,4-Trichlorobenzene	10
Diethyl Phthalate	10		
PESTICIDES AND PCBS			
Aldrin	0.01	Beta-Endosulfan	0.02
Alpha-BHC	0.05	Endosulfan sulfate	0.02
Beta-BHC	0.05	Endrin	0.02
Gamma-BHC	0.05	Endrin Aldehyde	0.1
Chlordane	0.2	Heptachlor	0.01
4,4'-DDT and derivatives	0.02	Heptachlor Epoxide	0.01
Dieldrin	0.02	PCBs	0.2
Alpha-Endosulfan	0.01	Toxaphene	0.3

(MLQ's Revised November 1, 2007)

Footnotes:

*1 Default MLQ for Mercury is 0.005 unless Part I of your permit requires the more sensitive Method 1631 (Oxidation / Purge and Trap / Cold vapor Atomic Fluorescence Spectrometry), then the MLQ shall be 0.0005



PART III - STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

1. INTRODUCTION

In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable regulations.

2. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. TOXIC POLLUTANTS

- a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.
- b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

5. PERMIT FLEXIBILITY

This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. PROPERTY RIGHTS

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

7. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

8. CRIMINAL AND CIVIL LIABILITY

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

9. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

10. STATE LAWS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

11. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

B. PROPER OPERATION AND MAINTENANCE1. NEED TO HALT OR REDUCE NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

2. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. PROPER OPERATION AND MAINTENANCE

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

4. BYPASS OF TREATMENT FACILITIESa. BYPASS NOT EXCEEDING LIMITATIONS

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b. and 4.c.

b. NOTICE(1) ANTICIPATED BYPASS

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) UNANTICIPATED BYPASS

The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.D.7.

c. PROHIBITION OF BYPASS

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (c) The permittee submitted notices as required by Part III.B.4.b.
- (2) The Director may allow an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part III.B.4.c(1).

5. UPSET CONDITIONS

a. EFFECT OF AN UPSET

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part III.B.5.b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. CONDITIONS NECESSARY FOR A DEMONSTRATION OF UPSET

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required by Part III.D.7; and,
- (4) The permittee complied with any remedial measures required by Part III.B.2.

c. BURDEN OF PROOF

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. REMOVED SUBSTANCES

Unless otherwise authorized, solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. PERCENT REMOVAL (PUBLICLY OWNED TREATMENT WORKS)

For publicly owned treatment works, the 30-day average (or Monthly Average) percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.103.

C. MONITORING AND RECORDS

1. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
2. REPRESENTATIVE SAMPLING
Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. RETENTION OF RECORDS
The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.
4. RECORD CONTENTS
Records of monitoring information shall include:
- a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
5. MONITORING PROCEDURES
- a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.
 - b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
 - c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.
6. FLOW MEASUREMENTS
Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.
- D. REPORTING REQUIREMENTS
1. PLANNED CHANGES
- a. INDUSTRIAL PERMITS
The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining

whether a facility is a new source in 40 CFR Part 122.29(b); or,

- (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements listed at Part III.D.10.a.

b. MUNICIPAL PERMITS

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. ANTICIPATED NONCOMPLIANCE

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. TRANSFERS

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. DISCHARGE MONITORING REPORTS AND OTHER REPORTS

Monitoring results must be reported on Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. The permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA at the address below. Duplicate copies of DMR's and all other reports shall be submitted to the appropriate State agency(ies) at the following address(es):

EPA:

Compliance Assurance and Enforcement Division
Water Enforcement Branch (6EN-W)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Texas:

Program Manager
Environmental Services
Railroad Commission of Texas
1701 North Congress Avenue
P.O. Box 12967
Austin, Texas 7871-2967

5. ADDITIONAL MONITORING BY THE PERMITTEE

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

6. AVERAGING OF MEASUREMENTS

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7. TWENTY-FOUR HOUR REPORTING

- a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall be provided within 5 days of the time the permittee becomes

aware of the circumstances. The report shall contain the following information:

- (1) A description of the noncompliance and its cause;
 - (2) The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,
 - (3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- b. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II (industrial permits only) of the permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. OTHER NONCOMPLIANCE

The permittee shall report all instances of noncompliance not reported under Parts III.D.4 and D.7 and Part I.B (for industrial permits only) at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.7.

9. OTHER INFORMATION

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

10. CHANGES IN DISCHARGES OF TOXIC SUBSTANCES

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Director.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (1) Five hundred micrograms per liter (500 µg/L);
 - (2) One milligram per liter (1 mg/L) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Director.

11. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified.

a. ALL PERMIT APPLICATIONS shall be signed as follows:

- (1) FOR A CORPORATION - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) FOR A PARTNERSHIP OR SOLE PROPRIETORSHIP - by a general partner or the proprietor, respectively.
- (3) FOR A MUNICIPALITY, STATE, FEDERAL, OR OTHER PUBLIC AGENCY - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. ALL REPORTS required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described above;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
- (3) The written authorization is submitted to the Director.

c. CERTIFICATION

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. AVAILABILITY OF REPORTS

Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS1. CRIMINALa. NEGLIGENT VIOLATIONS

The Act provides that any person who negligently violates permit conditions implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. KNOWING VIOLATIONS

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

c. KNOWING ENDANGERMENT

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

d. FALSE STATEMENTS

The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. CIVIL PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

3. ADMINISTRATIVE PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

a. CLASS I PENALTY

Not to exceed \$16,000 per violation nor shall the maximum amount exceed \$37,500.

b. CLASS II PENALTY

Not to exceed \$16,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$177,500.

F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. ACT means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.

2. ADMINISTRATOR means the Administrator of the U.S. Environmental Protection Agency.

3. APPLICABLE EFFLUENT STANDARDS AND LIMITATIONS means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. APPLICABLE WATER QUALITY STANDARDS means all water quality standards to which a discharge is subject under the Act.
5. BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.
6. DAILY DISCHARGE means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.
7. DAILY MAXIMUM discharge limitation means the highest allowable "daily discharge" during the calendar month.
8. DIRECTOR means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
9. ENVIRONMENTAL PROTECTION AGENCY means the U.S. Environmental Protection Agency.
10. GRAB SAMPLE means an individual sample collected in less than 15 minutes.
11. INDUSTRIAL USER means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
12. MONTHLY AVERAGE (also known as DAILY AVERAGE) discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily concentration, F = daily flow, and n = number of daily samples; daily average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$
13. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.
14. SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
15. SEWAGE SLUDGE means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a publicly owned treatment works.
16. TREATMENT WORKS means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.

17. UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
18. FOR FECAL COLIFORM BACTERIA, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
19. The term "MGD" shall mean million gallons per day.
20. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).
21. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).
22. MUNICIPAL TERMS
 - a. 7-DAY AVERAGE or WEEKLY AVERAGE, other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
 - b. 30-DAY AVERAGE or MONTHLY AVERAGE, other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
 - c. 24-HOUR COMPOSITE SAMPLE consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
 - d. 12-HOUR COMPOSITE SAMPLE consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
 - e. 6-HOUR COMPOSITE SAMPLE consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
 - f. 3-HOUR COMPOSITE SAMPLE consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.