

NPDES PERMIT NO. TX0003905
STATEMENT OF BASIS

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT:

Harvest Pipeline
Old Ocean Plant
P.O. Box 61229
Houston, TX 77208

ISSUING OFFICE:

U.S. Environmental Protection Agency
Region 6
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DATE PREPARED:

August 8, 2016

PERMIT ACTION

It is proposed that the facility be reissued an NPDES permit for a 5-year term in accordance with regulations contained in 40 Code of Federal Regulations (CFR) 122.46(a).

40 CFR CITATIONS: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of August 5, 2016.

RECEIVING WATER – BASIN

Cedar Lake Creek, thence to Cedar Lakes, Segment No. 2442 of the Bays and Estuaries.

DOCUMENT ABBREVIATIONS

For brevity, Region 6 used acronyms and abbreviated terminology in this Statement of Basis document whenever possible. The following acronyms were used frequently in this document:

BAT	Best Available Technology Economically Achievable)
BOD ₅	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
F&WS	United States Fish and Wildlife Service
GPD	Gallon per day
IP	Procedures to Implement the Texas Surface Water Quality Standards
µg/l	Micrograms per liter (one part per billion)
mg/l	Milligrams per liter (one part per million)
Menu 7	Intermittent stream with perennial pools
MGD	Million gallons per day
MSGP	Multi-Sector General Permit
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
RRC	Railroad Commission of Texas
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TDS	Total dissolved solids
TMDL	Total maximum daily load
TOC	Total Organic Carbon
TRC	Total residual chlorine
TSS	Total suspended solids
TSWQS	Texas Surface Water Quality Standards
WET	Whole effluent toxicity
WQMP	Water Quality Management Plan
WQS	Water Quality Standards

I. PROPOSED CHANGES FROM PREVIOUS PERMIT

1. WET limit for the *Daphnia pulex* test species is removed from the draft permit.

II. APPLICANT LOCATION and ACTIVITY

Under the SIC Code 1321, the applicant operates a natural gas liquids (NGL) plant. The facility uses natural processes to separate methane from heavier Natural Gas Liquids. The process is designed to recover ethane and heavier hydrocarbons entering the facility in the inlet gas and condensate streams.

As described in the application, the facility is located at 200 Refinery Road, Sweeney, Brazoria County, Texas. Wastewater discharges from the facility flows into Cedar Lake Creek, thence to Cedar Lakes, Segment No. 2442 of the Bays and Estuaries.

III. DISCHARGE DESCRIPTION

Discharge water flows through an earthen pit equipped with a weir system to prevent oil discharge. The effluent discharges to a ditch, which flows south to a drainage ditch, adjacent to a private road.

Discharges are located on that water at:

Outfall 001: Latitude 29° 02' 34.7"; Longitude 95° 44' 47.6"

Discharges consist of cooling tower blowdown, reverse osmosis reject water and stormwater.

Table 1: Discharge Characteristics

The table below shows facility's pollutant concentrations contained in the NPDES application.

Parameter	Maximum Concentration, mg/L unless noted	Average Concentration, mg/L unless noted
Flow, MGD	0.166975	0.094718
pH, su	7.8	7.8
Total Dissolved Solids	1100	898.7637
Chloride	280	233.73
BOD ₅	8.5	8.5
Chlorine Residual	235	235
Sulfate	370	330.99
Copper	0.21	0.017*
Aluminum	0.8	0.523
Lead	0.00718	0.00718
Chromium	0.00192	0.001807
Arsenic	0.00606	0.00606
Zinc	0.032	0.025
Nickel	0.0043	0.0034
Trivalent Chromium	0.0017	0.0017

* Average Copper concentration was based on DMR and application data

IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water”; more commonly known as the “swimmable, fishable” goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR 122.46(a). This is a renewal of an existing permit. An NPDES Application for a Permit to Discharge (Form 1 & 2C) was received on November 30, 2015. The application was deemed administratively incomplete on December 18, 2015. Additional permit application information were submitted on March 7, 2016, and May 31, 2016. The application was deemed administratively complete on June 15, 2016.

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

A. OVERVIEW of TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITION FOR PERMIT ISSUANCE

Regulations contained in 40 CFR §122.44 NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits, on best professional judgment (BPJ) in the absence of guidelines, and/or requirements pursuant to 40 CFR 122.44(d), whichever are more stringent. Technology-based effluent limitations are established in the proposed draft permit for BOD₅. Water quality-based effluent limitations are established in the proposed draft permit for pH.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

BPT - The first level of technology-based standards generally based on the average of the best existing performance facilities within an industrial category or subcategory.

BCT - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and O&G.

BAT - The most appropriate means available on a national basis for controlling the direct discharge of toxic and non-conventional pollutants to navigable waters. BAT effluent limits represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

Limitations for BOD₅ are proposed in the permit and are expressed in terms of concentration. This is consistent with both EPA and TCEQ permits for similar facilities and is also consistent with 40 CFR 122.45(f). The proposed limitation for BOD₅ at Outfall 001 is 30 mg/l maximum and 20 mg/l average. The permit will not at this time establish mass loading limits since the discharge is intermittent. The concentration limits are protective of the environment.

Stormwater Pollution Prevention Requirements

Stormwater has been identified by the permittee as a component of the discharge through Outfall No. 001. Stormwater pollution prevention requirements are continued in the draft permit.

It is proposed that the facility conduct annual inspections to identify areas contributing to the storm water discharges and identify potential sources of pollution which may affect the quality of storm water discharges from the facility.

The proposed permit requires the permittee to maintain a site map. The site map shall include all areas where storm water may contact potential pollutants or substances which can cause pollution. It is also proposed that all spilled product and other spilled wastes be immediately cleaned up and properly disposed. The permit prohibits the use of any detergents, surfactants or other chemicals from being used to clean up spilled product. Additionally, the permit requires all waste fuel, lubricants, coolants, solvents or other fluids used in the repair or maintenance of vehicles or equipment be recycled or contained for proper disposal. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. The permittee shall amend the SWP3 whenever there is a change in the facility or change in operation of the facility.

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

Water quality based requirements are necessary where effluent limits more stringent than technology-based limits are necessary to maintain or achieve federal or state water quality limits. Under Section 301(b)(1)(C) of the CWA, discharges are subject to effluent limitations based on federal or state WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with applicable State WQS and applicable State water quality management plans to assure that surface WQS of the receiving waters are protected and maintained, or attained.

2. Implementation

The NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the

designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

3. State Water Quality Standards

The Clean Water Act in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR 122.44(d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criterion, the permit must contain an effluent limit for that pollutant. If the discharge poses the reasonable potential to cause an in-stream violation of narrative standards, the permit must contain prohibitions to protect that standard. Additionally, the TWQS found at 30 TAC Chapter 307 states that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards" (IP) is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

The IP document is not a state water quality standard, but rather, a non-binding, non-regulatory guidance document. See IP at page 2 stating that "this is a guidance document and should not be interpreted as a replacement to the rules. The TWQS may be found in 30 TAC Sections (§§) 307.1-.10."). EPA does not consider the IP to be a new or revised water quality standard and has never approved it as such. EPA did comment on and conditionally "approve" the IP as part of the Continuing Planning Process (CPP) required under 40 CFR §130.5(c) and the Memorandum of Agreement between TCEQ and EPA, but this does not constitute approval of the IP as a water quality standard under CWA section 303(c). Therefore, EPA is not bound by the IP in establishing limits in this permit – but rather, must ensure that the limits are consistent with the EPA-approved state WQS. However, EPA has made an effort, where we believe the IP procedures are consistent with all applicable State and Federal regulations, to use those procedures.

The general criteria and numerical criteria which make up the stream standards are provided in the 2014 EPA-approved Texas Water Quality Standards, Texas Administrative Code (TAC), 30 TAC Sections 307.1 - 307.9, effective September 23, 2014.

The designated uses of Cedar Lakes in Segment 2442 are primary contact recreation, high aquatic life and Oyster waters. However, the discharge point is over 16 miles upstream from Cedar Lakes, in an intermittent freshwater segment. For purposes of permit limit determination, Segment 1305, Caney Creek above Tidal of the Brazos-Colorado Coastal Basin will be used. The designated and presumed uses of Cedar Lake Creek, Segment No. 1305, are primary contact recreation and high aquatic life.

4. Reasonable Potential- Procedures

EPA develops draft permits to comply with State WQS, and for consistency, attempts to follow the IP where appropriate. However, EPA is bound by the State's WQS, not State guidance, including the IP, in determining permit decisions. EPA performs its own technical and legal review for permit issuance, to assure compliance with all applicable State and Federal requirements, including State WQS, and makes its determination based on that review. Waste load allocations (WLA's) are calculated using estimated effluent dilutions, criteria outlined in the TWQS, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentrations that can be discharged and still meet instream criteria after mixing with the receiving stream. From the WLA, a long term average (LTA) is calculated, for both chronic and acute toxicity, using a log normal probability distribution, a given coefficient of variation (0.6), and either a 90th or a 99th percentile confidence level. The 90th percentile confidence level is for discharges to rivers, freshwater streams and narrow tidal rivers with upstream flow data, and the 99th percentile confidence level is for the remainder of cases. For facilities that discharge into receiving streams that have human health standards, a separate LTA will be calculated. The implementation procedures for determining the human health LTA use a 99th percentile confidence level, along with a given coefficient of variation (0.6). The lowest of the calculated LTA; acute, chronic and/or human health, is used to calculate the daily average and daily maximum permit limits.

Procedures found in the IP for determining significant potential are to compare the reported analytical data either from the DMR history and/or the application information, against percentages of the calculated daily average water quality-based effluent limitation. If the average of the effluent data equals or exceeds 70% but is less than 85% of the calculated daily average limit, monitoring for the toxic pollutant will usually be included as a condition in the permit. If the average of the effluent data is equal to or greater than 85% of the calculated daily average limit, the permit will generally contain effluent limits for the toxic pollutant. The permit may specify a compliance period to achieve this limit if necessary.

Procedures found in the IP require review of the immediate receiving stream and effected downstream receiving waters. Further, if the discharge reaches a perennial stream or an intermittent stream with perennial pools within three-miles, chronic toxicity criteria apply at that confluence.

5. Permit-Action - Water Quality-Based Limits

Regulations promulgated at 40 CFR §122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). State WQS that are more stringent than effluent limitation guidelines are as follows:

a. pH

Wastewater discharges from the facility will flow into Cedar Lake Creek, thence to Cedar Lakes, Segment No. 2442 of the Bays and Estuaries. As mentioned above, Segment 1305 is used for permit limit determination. The criteria for pH for Segment 1305 lists the pH range to be 6.5 to 9.0. pH shall be limited to the standards for Caney Creek above Tidal, Segment 1305 to the range of 6.5 to 9.0 su's.

b. Narrative Limitations

Narrative protection for aesthetic standards will propose that surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film or globules of grease on the surface or coat the banks or bottoms of the watercourse; or cause toxicity to man, aquatic life, or terrestrial life.

The following narrative limitations in the proposed permit represent protection of water quality for Outfall 001:

“The effluent shall contain no visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.”

c. Toxics

The CWA in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR §122.44 (d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criteria, the permit must contain an effluent limit for that pollutant.

The critical low flow, 7Q2 for the receiving stream is 0 cfs, while the harmonic mean is 2.62 cfs. The wastewater discharge from the facility flows to an intermittent waterbody with perennial pools. All of the flow currently generated on this section of Cedar Lake Creek, the receiving water body, is generated from Conocco Phillips Outfall – Sweeny Refinery NPDES TX0007536, which is located 1.5 miles upstream. TCEQ’S TEXTOX Menu 7 is appropriate for evaluating the discharge.

The reasonable potential calculations were performed based on data obtained from the permit application. Segment specific values for pH, TSS, total hardness, TDS, chloride, and sulphate values were obtained from table 5 of the I P. For Segment 1305, Caney Creek above Tidal, the TSS is 13 mg/l, chloride is 41 mg/L, hardness is 96 mg/l and pH is 7.3 su. These values were also used in Menu 7 to calculate reasonable potential. The result of the Menu 7 model run revealed that none of the pollutants showed reasonable potential to violate TSWQS. Although the geometric mean of total copper obtained from the permit application and the DMR is less than the 70% of the daily average effluent limitations; the average concentration of total copper obtained from the DMR only, exceeded 85 % of the daily average effluent concentration. As a result, a reporting requirement for total copper is continued in the draft permit.

The TRC data results submitted by the permit show that TRC is present in discharges through Outfall 001. The effluent shall contain NO MEASURABLE total residual chlorine (TRC) at any time. NO MEASURABLE will be defined as no detectable concentration of TRC limitation at 0.019 mg/L. 0.019 mg/L is EPA’s acute chlorine criteria. As a result, TRC limit of 0.019 mg/L is continued in the draft permit.

TDS, sulfate and chloride are present in the discharge and were screened using the procedures found on pages 175/176 of the ITWQS. Using these procedures, the daily average effluent concentration of TDS obtained from the permit application (898.76 mg/L) was compared to the screening value to determine whether a TDS permit limit is needed. The screening procedure follows:

Screen for TDS at the intermittent stream using the following default screening equation:

$$C_{TDS} = (C_c / 500 \text{ mg/L}) * 2,500 \text{ mg/L}$$

where: C_{TDS} = TDS concentration (mg/L) used to determine the TDS screening value
 C_c = TDS criterion (mg/L) at the first downstream Segment (Segment 1305) = 1,000 mg/L
 $C_{TDS} = (1,000 / 500 \text{ mg/L}) * 2,500 \text{ mg/L} = 5,000 \text{ mg/L}$

According to page 176 of ITWQS, if C_{TDS} is between 2,500 mg/L and 6,000 mg/L, then C_{TDS} is used as the screening value. Hence, $C_{SV} = C_{TDS} = 5,000 \text{ mg/L}$, where C_{SV} is the TDS screening value. Since the effluent concentration (898.76 mg/l) is less than the TDS screening value (5,000 mg/L), TDS limitations and monitoring requirements are not established in the proposed permit.

TDS screening guidelines for intermittent streams are intended to protect livestock, wildlife, shoreline vegetation, and aquatic life during periods when the stream is flowing; the screening is also intended to preclude excessive TDS loading in watersheds that could eventually impact distant downstream perennial waters.

Similarly, sulfate and chloride concentrations were also screened using equation 1b found on page 177 of the ITWQS as shown below:

$$Cl \text{ or } SO_4 C_{SV} = (TDS C_{SV} / TDS \text{ Criterion}) * Cl \text{ or } SO_4 \text{ Criterion}$$

$$C_{SO_4} = (5,000 / 1,000) * 75 \text{ mg/L} = 375 \text{ mg/L};$$
$$C_{Cl} = (5,000 / 1,000 \text{ mg/L}) * 200 \text{ mg/L} = 1,000 \text{ mg/L}$$

According to page 88 of the IP, the values of 375 mg/l and 1000 mg/l are both less than 2,500 mg/L. As a result, 2,500 mg/L is their respective screening value. But their respective effluent concentrations of 330.99 mg/l and 233.73 mg/l are less than their screening value of 2,500 mg/L. As a result, the proposed permit did not established limitation and monitoring requirements for sulfate and chloride.

Solids and Foam

The prohibition of the discharge of floating solids or visible foam in other than trace amounts is continued in the proposed permit. In addition, 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.

D. MONITORING FREQUENCY FOR LIMITED PARAMETERS

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity, 40 CFR §122.48(b), and to assure compliance with permit limitations, 40 CFR §122.44(i)(1). The monitoring frequencies are based on BPJ, taking into account the nature of the facility, the previous permit, and past compliance history.

Flow shall continue to be estimated daily when discharging. Estimate flow measurements are not subject to the accuracy provisions established at Part III.C.6 of the permit. BOD₅, TRC and pH shall continue to be monitored twice a month, using grab sample. Total Copper shall also be monitored twice a month, using grab sample.

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

Biomonitoring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. The reasonable potential analysis shown below was based on information obtained from the DMR.

Facility Name	Harvest Pipeline		Outfall Number	001
NPDES Permit Number	TX0003905			
Proposed Critical Dilution*	100			

*Critical Dilution in draft permit, do not use % sign.
 Enter data in yellow shaded cells only. Fifty percent should be entered as 50, not 50%.

Test Data

Date (mm/yyyy)	INVERTEBRATE				VERTEBRATE			
	Lethal NOEC	Sublethal NOEC	Lethal TU	Sublethal TU	Lethal NOEC	Sublethal NOEC	Lethal TU	Sublethal TU
Mar-11	100		1.00		100		1.00	
Jun-11	100		1.00		100		1.00	
Sep-11	100		1.00		100		1.00	
Dec-11	100		1.00		100		1.00	
Mar-12	100		1.00		100		1.00	
Jun-12	100		1.00		100		1.00	
Sep-12	100		1.00		100		1.00	
Dec-12	100		1.00		100		1.00	
Mar-13	100		1.00		100		1.00	
Jun-13	100		1.00		100		1.00	
Sep-13	100		1.00		100		1.00	
Dec-13	100		1.00		100		1.00	
Mar-14	100		1.00		100		1.00	
Jun-14	100		1.00		100		1.00	
Sep-14	100		1.00		100		1.00	
Dec-14	100		1.00		100		1.00	
Mar-15	100		1.00		100		1.00	
Jun-15	100		1.00		100		1.00	
Sep-15	100		1.00		100		1.00	
Dec-15	100		1.00		100		1.00	

Mar-16	100		1.00		100		1.00	
Jun-16	100		1.00		100		1.00	

100 0 1.00 #DIV/0! 100 0 1.00 #DIV/0!

Count	22	0	22	0
Mean	1.000	#DIV/0!	1.000	#DIV/0!
Std. Dev.	0.000	#DIV/0!	0.000	#DIV/0!
CV	0.0	0.6	0	0.6

RPMF	#N/A	6.2	#N/A	6.2
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1 Reasonable Potential Acceptance Criteria

Vertebrate Lethal #N/A #N/A

No Reasonable Potential exists. Permit requires WET monitoring, but no WET limit.

Vertebrate Sublethal #DIV/0! #DIV/0!

Invertebrate Lethal #N/A #N/A

No Reasonable Potential exists. Permit requires WET monitoring, but no WET limit.

Invertebrate Sublethal #DIV/0! #DIV/0!

OUTFALL 001

During the last permit term, 22 WET tests were ran, with no test failures. As a result, the WET limit for the *Daphnia pulex* test species is removed from the draft permit.

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit, the permittee is authorized to discharge from Outfall 001 to Cedar Lake Creek, thence to Cedar Lakes, Segment No. 2442 of the Bays and Estuaries. Discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE MONITORING</u>	
	<u>30-DAY AVG MINIMUM</u>	<u>48-Hr. MINIMUM</u>
Whole Effluent Toxicity Testing (48 Hr. Static Renewal) <u>1/</u>		
<u><i>Daphnia pulex</i></u>	REPORT	REPORT
<u><i>Pimephales promelas</i></u>	REPORT	REPORT

<u>EFFLUENT CHARACTERISTIC</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>FREQUENCY</u>	<u>TYPE</u>
Whole Effluent Toxicity Testing (48 Hr. Static Renewal) <u>1/</u>		
<u><i>Daphnia pulex</i></u>	1/Quarter	24-Hr. Composite
<u><i>Pimephales promelas</i></u>	1/Quarter	24-Hr. Composite

FOOTNOTES

1/ 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.

F. FINAL EFFLUENT LIMITATIONS

See the draft permit for limitations.

VI. FACILITY OPERATIONAL PRACTICES**A. WASTE WATER POLLUTION PREVENTION REQUIREMENTS**

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve the operating efficiency and extend the useful life of the treatment system.

B. OPERATION AND REPORTING

The permittee must submit Discharge Monitoring Report's (DMR's) quarterly, beginning on the effective date of the permit, lasting through the expiration date of the permit or termination of the permit, to report on all limitations and monitoring requirements in the permit.

The permittee must submit monitoring results 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. All DMRs shall be electronically reported effective December 21, 2016, per 40 CFR 127.16. See 80 FR 64063. To submit electronically, access the NetDMR website at www.epa.gov/netdmr and contact the R6NetDMR@epa.gov in-box for further instructions. Until the permittee is approved for Net DMR, it 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.)

Sufficiently Sensitive Analytical Methods (SSM)

The permittee must use sufficiently sensitive EPA-approved analytical methods (SSM) (under 40 CFR part 136 or required under 40 CFR chapter I, subchapters N or O) when quantifying the presence of pollutants in a discharge for analyses of pollutants or pollutant parameters under the permit. In case the approved methods are not sufficiently sensitive to the limits, the most SSM with the lowest method detection limit (MDL) must be used as defined under 40 CFR 122.44(i)(1)(iv)(A). If no analytical laboratory is able to perform a test satisfying the SSM in the region, the most SSM with the lowest MDL must be used after adequate demonstrations by the permittee and EPA approval.

VII. IMPAIRED WATER - 303(d) LIST AND TMDL

Wastewater discharges from the facility flows into Cedar Lake Creek, thence to Cedar Lakes, Segment No. 2442 of the Bays and Estuaries. The receiving stream is not listed as impaired in the 2014 State of Texas 303(d) List for Assessed River/Stream Reaches Requiring Total Maximum Daily Loads (TMDLs). As a result, no additional requirements beyond the already proposed technology-based and/or water-quality based requirements are needed in the proposed permit.

VIII. ANTIDegradation

The Texas Commission on Environmental Quality, Texas Surface Water Quality Standards, Antidegradation, Title 30, Part 1, Chapter 307, Rule §307.5 sets forth the requirements to protect designated uses through implementation of the State WQS. The limitations and monitoring requirements set forth in the proposed permit are developed from the State WQS and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water. There are no increases of pollutants being discharged to the receiving waters authorized in the proposed permit.

IX. ANTIBACKSLIDING

The proposed permit is consistent with the requirements and exemption to meet Antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR Part 122.44(i)(B), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless information is available which was not available at the time of permit issuance. The proposed permit maintains the limitation requirements of the previous permit for BOD₅ and TRC. The removal of the WET limit does not constitute antibacksliding because the biomonitoring requirements established in the draft permit are based on new information.

X. ENDANGERED SPECIES

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, <http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action>, nine species are listed as threatened or endangered in Brazoria County. These are the Piping Plover, Red Knot, West Indian Manatee, Green Sea turtle, Hawksbill sea turtle, Kemp's ridley sea turtle, Leatherback sea turtle, Loggerhead sea turtle, piping plover, and whooping crane.

The Environmental Protection Agency has evaluated the potential effects of issuance of this permit upon listed endangered or threatened species. After review, EPA has determined that the reissuance of this permit will have "*no effect*" on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

1. No pollutants are identified by the permittee-submitted application at levels which might affect species habitat or prey species. Issuance of this permit is found to have no impact on the habitats of these species.
2. EPA has received no additional information since the previous permit was issued November 23, 2010, which would lead to revision of its determinations.
3. The draft permit is more restrictive than the previous permit.
4. EPA determines that Items 1, 2, and 3 result in no change to the environmental baseline established by the previous permit, therefore, EPA concludes that reissuance of this permit will have "*no effect*" on listed species and designated critical habitat.

XI. HISTORICAL AND ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

XII. COMPLIANCE HISTORY

The effluent from the facility has been monitored under the conditions of the current permit with a January 1, 2011, effective date. Five years of Discharge Monitoring Report data has been reviewed and there was seven quarters of significant noncompliance for TRC. There were also permit limit violations for pH. The permittee was in compliance with the WET limit for *Daphnia pulex*, as a result, biomonitoring requirements for *Daphnia pulex* is established in the draft permit.

XIII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of the Texas Surface WQS are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the WQS are either revised or promulgated. Should the State adopt a new WQS, and/or develop a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR §122.44(d). Modification of the permit is subject to the provisions of 40 CFR §124.5.

XIV. VARIANCE REQUESTS

No variance requests have been received.

XV. CERTIFICATION

This permit is in the process of certification by the State agency following regulations promulgated at 40 CFR 124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service prior to the publication of that notice.

XVI. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations.

XVII. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION

NPDES Application for Permit to Discharge, Form 1 & 2C, received on November 15, 2015. Additional Permit application information submitted on 8/4/16, 8/1/16, 7/28/16, 5/31/16, and 3/14/16.

B. State of Texas References

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

"Procedures to Implement the Texas Surface Water Quality Standards via Permitting," Texas Commission on Environmental Quality, June 2010.

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.9, September 23, 2014.

<http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action>

D. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

E. MISCELLANEOUS CORRESPONDENCE

Letter from Dorothy Brown, EPA, to Mr. Matt Henderson, Hillcorp Energy Company – Old Ocean Gas Plant, dated June 15, 2016, informing applicant that its' NPDES application is administratively complete.

Emails from Matt Henderson, Harvest Pipeline – Old Ocean Plant to Maria Okpala, EPA, dated March 14, 2016, and May 31, 2016, submitting additional application information.

Letter from Dorothy Brown, EPA, to Mr. Matt Vicenik, Environmental Manager, Harvest Pipeline – Old Ocean Gas Plant, dated December 18, 2015, informing applicant that its' NPDES application is administratively incomplete.

Email from Robert Kirkland, EPA, to Maria Okpala, EPA, dated 6/27/2016 on critical conditions information.