NPDES PERMIT NO. TX0005886
FACT SHEET

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

APPLICANT

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ISSUING OFFICE

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DATE PREPARED

April 3, 2014

PERMIT ACTION

Renewal of a permit previously issued on April 14, 2009, with an effective date of June 1, 2009, and an expiration date of May 31, 2014.

RECEIVING WATER – BASIN

Cedar Bayou – Trinity-San Jacinto Coastal Basin (Segment No. 0902)

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

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)
MMCFD	Million cubic feet per day
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. CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued on April 14, 2009, with an effective date of June 1, 2009, and an expiration date of May 31, 2014, are as follow:

- Mass limits have been established at Outfall 001.
- TSS, copper, selenium, and mercury limitations have been established at Outfall 001.
- Temperature monitoring has been established at Outfall 001.
- TRC limit has been changed from 33 ug/l to 11 ug/l and monitoring frequency has been increased to 2/month from 1/month.
- 3-hour composite sample type has been changed from grab type at Outfall 001.
- Aluminum limit has been changed to 9.5 mg/l for daily max. at outfall 001.
- BTEX has been established at Outfall 002.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility is located at 9900 FM 1942, Mont Belvieu, TX 77580; County of Chambers. Facility coordination is latitude 29^{o} 50’ 54” 54” and longitude 94^{o} 56’ 35”.

Under the SIC code 1321, the applicant operates a natural gas liquids plant. The facility processes and fractionates natural gas feedstock into ethane, butane, propane and natural gasoline. Process water for the facility is obtained from the Trinity River Aqueduct. The water is sand-filtered and then used for cooling, equipment washdown and fire protection. Backwash water from the filter system is routed to settling tanks to remove solids and then discharge through Outfall 001 to Cedar Bayou above Tidal, Segment No. 0902 of the Trinity-San Jacinto River Basin. Equipment washdown and blowdown from cooling towers and heat exchangers are also discharged to this outfall. Chemicals including biocides, chlorine are added in the cooling towers; the chlorine is then removed before discharged to the outfall. 0.23 MGD in average is continuously discharged through Outfall 001. Undergrounded pipe conveys the effluent from the facility to Cedar Bayou, where end of the pipe is located at.

Intermittent hydrostatic test water, stormwater runoff (MSGP permit #TXR05J330), and fire water are discharged (estimated 0.167 MGD total, including 0.001 MGD of hydrostatic test water) through Outfall 002 to an unnamed ditch thence to Cedar Bayou above Tidal, Segment No. 0902 of the Trinity-San Jacinto River Basin. Description of Segment 0902 is from a point 2.2 kilometers (1.4 miles) upstream of IH 10 in Chambers/Harris County to a point 7.4 kilometers (4.6 miles) upstream of FM 1960 in Liberty County. A map of the facility is attached.

III. EFFLUENT CHARACTERISTICS

Submitted application in form 2C shows as follow:

	Outfall 001	**Outfall 002***
Parameter	*Max. Daily Value (mg/l)*	*Max. Daily Value (mg/l)*
BOD	10	< 4.8
TSS	75	13
TRC	< 0.01	
Oil & Grease	< 3.3	< 3.3
COD	110	42
TOC	32	12

Ammonia (as N)	< 0.2	< 0.2
Discharge Flow	0.456 MGD	
Ph range	6.65 – 7.95 s.u.	
Phosphorus (as P)	< 1.1	0.084
Sulphate	540	7.6
Sulfite	< 5.0	< 5.0
Aluminum, Total	6	0.53
Barium, Total	0.23	0.11
Iron, Total	0.88	0.4
Magnesium, Total	18	4.2
Manganese, Total	0.12	0.028
Arsenic	< 0.01	< 0.01
Cadmium, Total	< 0.001	< 0.001
Chromium, Total	< 0.01	< 0.01
Copper, Total	< 0.033	< 0.01
Lead, Total	< 0.005	< 0.005
Mercury, Total	< 0.0002	< 0.0002
Nickel, Total	< 0.01	< 0.01
Selenium, Total	< 0.04	< 0.04
Silver, Total	< 0.002	< 0.002
Zinc, Total	0.038	0.098
Cyanide, Total	0.012	< 0.01
Phenols, Total	< 0.005	< 0.005

* No flow at this outfall at time of sampling. Sampling was from impoundment area.

On July 3, 2012 EPA issued an Administrative Order (AO); the alleged violations include failures to prevent effluent violations (exceeding of aluminum limits) and WET violations (no WET test results submitted from November 2010 to July 2012). In the previous permit term, there were at least a few exceedances of TRC at Outfall 001. Submitted DMRs showed no discharge at Outfall 002.

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 the 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.

The application was dated December 2, 2013. It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

A. OVERVIEW of TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

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, or the previous permit.

Technology-based effluent limitations are established in the proposed draft permit for BTEX, BOD, TSS and TOC. Water quality-based effluent limitations are established in the proposed draft permit for monitoring of applicable WQ-based pollutants, benzene, TRC and pH.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments

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 pursuant to 40 CFR 125.3(c)(2). 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.

2. Effluent Limitation

The proposed limitations for TOC (Outfall 002 only), BOD_5 and TSS concentrations are retained in the permit draft. Concentration limits will be protective of the stream uses. These limitations are based on the BPJ of the permit writer and are consistent with natural gas industry. TSS concentration is now established at Outfall 001 in the proposed permit since TSS presented highly at Outfall 001. Since these are technology-based there is no compliance schedule provided to meet these limits. Compliance is required on the permit effective date.

Stormwater has been identified by the permittee as a component of the discharge through Outfall 002. A requirement to develop a Stormwater Pollution Prevention Plan (SWP3) is proposed in the draft permit. It is proposed that the facility conduct an annual inspection of the facility to identify areas contributing to the storm water discharge 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 develop 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 tank(s) or stormwater collection basin(s) 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.

Regulations at 40 CFR §122.45(f)(1) require all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day if feasible. When determining mass limits, the previous effluent flow (0.253 MGD) is used to establish the mass load. Mass limits are determined by the following mathematical relationship:

Loading in lbs/day = pollutant concentration in mg/l * 8.345 (lbs)(l)/(mg)(MG) * average flow in MGD

Daily average BOD loading = 20 mg/l * 8.345 (lbs)(l)/(mg)(MG) * 0.253 MGD = 42 lbs/day
Daily max. BOD loading = 30 mg/l * 8.345 (lbs)(l)/(mg)(MG) * 0.253 MGD = 63 lbs/day

Daily average TSS loading = 30 mg/l * 8.345 (lbs)(l)/(mg)(MG) * 0.253 MGD = 63 lbs/day
Daily max. TSS loading = 45 mg/l * 8.345 (lbs)(l)/(mg)(MG) * 0.253 MGD = 95 lbs/day

Mass limitation is not established at Outfall 002 because of intermittent nature of the discharge.

A summary of the technology-based limits for the facility:

Effluent Characteristic	**Discharge Limitation**			
	lbs/day, unless noted		mg/l, unless noted	
Parameter	Monthly Avg	Daily Max	Monthly Avg	Daily Max
BOD	42	63	20	30
TSS	63	95	30	45

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 2000 EPA-approved Texas Water Quality Standards, Texas Administrative Code (TAC), 30 TAC Sections 307.1 - 307.10, effective August 17, 2000. The designated uses of the receiving water (Segment 0902) are primary contact recreation, high aquatic life use and public water supply.

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. The 99th percentile confidence level is for discharges to lakes, reservoirs, bays, estuaries, wide tidal rivers, and narrow tidal rivers without upstream flow data. 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 smaller LTA value between acute and chronic condition is used to calculate the daily average (DLY AVG) and daily maximum (DLY MAX) concentration limits as follow:

DLY AVG = 1.47 LTA and DLY MAX = 3.11 LTA

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. Discharges within three miles of perennial water or perennial pools with significant aquatic life uses are designed to protect against chronic toxicity and to protect human health in those waters.

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

Criteria for pH is between 6.5 and 9.0 s.u. for the water segment pursuant to 30 TAC 307.10.

b. Aesthetic parameters

Narrative criteria is surface waters must be essentially free of floating debris, visible foam and maintained in an aesthetically attractive condition 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 pursuant to 30 TAC 307.4(b).

c. Temperature

EPA proposes monitoring in May, June, July, August, September and October during the permit term because heat is removed from the system and partially dumped to the receiving stream. EPA will use the collected data to determine if a limit is needed according TSWQS for next permit renewal.

d. TRC

EPA chronic criteria for TRC, 11 ug/l, will be established since TSWQS does not have numerical criteria for TRC. The previous permit used the MQL of 33 ug/l as a limit. This permit establishes the limit based on the WQS consistent with requirements of the Act, but allows test results less than the MQL to be reported as zero (see Part II.A).

e. 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, site specific 7Q2 for the receiving stream is 0.54 cfs; the harmonic mean is 2.22 cfs. Outfall 001 discharges directly into Cedar Bayou, a perennial freshwater ditch, stream or river. TCEQ'S TEXTOX Menu 3 is appropriate for evaluating this discharge.

The reasonable potential calculations were performed based on data obtained from the permit application. Segment (0902) specific values for pH, TSS, total hardness, TDS, chloride, and sulphate values were obtained from table 5 of the IP. These values were also used in the menu to calculate reasonable potential. The following results are pollutants exceeding the 85% of the calculated daily average limits (see attached TEXTOX Menu 3 for detail):

Parameter	**85% Calculated Daily Avg. (ug/l)**	**Effluent data at Outfall 001 (ug/l)**
Aluminum, total	1122.6	6,000
Copper, total	22.52	33
Selenium, total	13.47	40
Mercury	0.11 (human health)*	0.2

* More stringent value is selected to protect against chronic toxicity and human health.

No submitted effluent parameter is less than 85% the calculated daily average limits. Calculated daily average and daily max values of the exceeded parameters, except for aluminum, will be established in the draft permit. Aluminum was limited at 2.09 mg/l (daily avg.) and 4.23 mg/l (daily max.) previously. The permittee, upon EPA's suggestion, later submitted a site-specific partitioning coefficient workplan approved by TCEQ and performed the study in December 2011. After reviewing the study, TCEQ proposed aluminum be limited at 9.5 mg/l (daily average) according to a TCEQ letter dated March 27, 2012. EPA establishes this TCEQ proposed limit in the draft permit. Mass limitations of these toxics are calculated using the manner as for BOD and TSS.

TDS is screened using methods in Figure 7 (page 99) in the IP for perennial stream as follow:

$$Cc \geq \frac{QsCa + QeCe}{Qe + Qs} = 438\ mg/l$$

Where (data for Outfall 001):
C_C = segment TDS criterion (mg/l) = 700
Qs = harmonic mean flow (cfs) of the stream/river = 2.22
Ca = ambient TDS concentration (mg/l) = 322
Qe = effluent flow (cfs) = 0.39 (0.253 MGD)
Ce = effluent TDS concentration (mg/l) = 1100 (conservative value from 1100 and 1000)

Since Cc is greater than 438 mg/l; TDS monitoring and limitation are not required in the draft permit.

DMRs show there was no discharge at Outfall 002 in the previous permit term. The same parameters will be monitored and limited in the draft permit at Outfall 002. In addition, Benzene, toluene, ethylbenzene, and xylenes (BTEX) are among the hydrocarbons typically found in water contaminated by liquid or gaseous petroleum hydrocarbons. Hydrocarbon condensates left by the natural gas are the major source of toxic pollutants in hydrostatic test water discharge. The daily maximum level of BTEX representing BAT is 100µg/l. The TSWQS does not have BTEX standard. As a result, a BTEX daily maximum limit of 100µg/l is proposed at Outfall 002 that Region 6 has established the same limit(s) for a similar facility.

EPA provides a compliance schedule for those new established limits.

D. MONITORING FREQUENCY FOR 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. Composite sample type is appropriate for continuous discharge at Outfall 001, except for TRC and pH, which has to be analyzed within 15 minutes after sample is collected.

Parameter	Frequency at Outfall 001	Frequency at Outfall 002*
Flow	Continuous	1/event
pH	1/month	1/event
BOD	1/month	
TSS	1/month	1/event
TRC	2/month (increased from previous one due to exceedances)	1/event
TOC		1/event
Benzen		1/event
BTEX		1/event
Temperature, ^{o}F	1/month	
Toxics	1/month	

* When discharge of hydrostatic test wastewater occurs.

E. WHOLE EFFLUENT TOXICITY

Biomonioring 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.

Outfall 001 directly discharges to Cedar Bayou, perennial freshwater stream. According to the IP the permittee will conduct chronic testing using the same species in the previous permit. Because all the

required test results were passed in the previous permit term, the proposed monitoring frequency is the same as before, once every six months with no limitation. No WET testing is necessary due to nature of discharge contents at Outfall 002. Critical dilution (CD) is calculated as follow:

$$CD = \frac{Qe}{Qe + 7Q2} = 42\ \%$$

Where (data for Outfall 001):
7Q2 = critical low-flow (cfs) = 0.54
Qe = effluent flow (cfs) = 0.39

The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations must be 18%, 24%, 32%, 42% and 56%. The low-flow effluent concentration (critical low-flow dilution) is defined as 42% effluent. The permittee must limit and monitor discharge(s) as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
WET Testing (7-day Chronic Renewal)[1]	30-day Avg Min.	7-day Min.	Frequency	Type
Ceriodaphnia dubia	Report	Report	Once/6 months	24-hr Composite
Pimephales promelas	Report	Report	Once/6 months	24-hr Composite

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

VI. TMDL REQUIREMENTS

The receiving stream, water segment 0902, is not listed in 2012 Texas 303(d) List, which EPA approved on May 9, 2013. No additional requirements beyond the already proposed technology-based and/or water-quality based requirements are needed in the proposed permit.

VII. 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.

VIII. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://www.fws.gov/southwest/es/ES_Lists_Main.cfm, there are six threatened/endangered species: Piping Plover, West Indian Manatee, Hawksbill sea turtle, Leatherback sea turtle, Kemp's ridley sea turtle and Green sea turtle for Chambers County as of March 6, 2014. All species, except West Indian Manatee, were listed in the previous permit with determination of "no effect". According to "Florida Manatee Recovery Plan, Third Revision" approved October 30, 2001, the largest known cause of death for the manatee is collisions with the hulls and/or propellers of boats and ships. There is no adequate evidence that the discharge causes effects on the specie and its habitat.

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. 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. Submitted data shows no pollutants at levels which might affect species habitats. Issuance of this permit is found to have no impact on the habitats of the species.

2. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.

3. The draft permit is consistent with the States WQS and does not increase pollutant loadings.

4. EPA determines that Items 1, thru 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.

IX. 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.

X. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of Texas 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.

XI. VARIANCE REQUESTS

None

XII. 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.

XIII. FINAL DETERMINATION

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

XIV. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION

NPDES Application for Permit to Discharge, Form 1 & 2C dated on December 2, 1013.

B. State of Texas References

2012 Texas Integrated Report - Texas 303(d) List

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10, effective June 30, 2010.

C. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

D. MISCELLANEOUS

NPDES Permit Writers' Manual, September 2010.
Permittee's letter and email dated April 8, 2014.