NPDES PERMIT NO. TX0124982
STATEMENT OF BASIS

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

APPLICANT:

Koch Pipeline Company, LP
Benavides Remediation Site
8606 IH-37
Corpus Christi, TX 78409

ISSUING OFFICE:

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

PREPARED BY:

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DATE PREPARED:

September 10, 2014

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 29, 2014.

RECEIVING WATER – BASIN:

Cayo Del Grullo Waterbody Segment No. 2492 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)
BOD5	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
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. PROPOSED CHANGE FROM PREVIOUS PERMIT

1. Electronic DMR reporting requirements have been included in the proposed permit.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility is located off of Hwy 359, 1.5 miles ENE of Benavides TX, on west side in Duval County, Texas. Under the SIC Code 4959, the applicant operates groundwater remediation system at a crude oil pumping station and storage facility.

Wastewater discharges from the facility flows into a ditch which traverses across the site approximately 300 ft into an unnamed ditch adjacent to the Tex-Mex Railroad. Outfall 001 discharges to a ditch 2 miles upstream from Piedras Pintas Creek, an intermittent water body. Piedras Pintas Creek is a tributary of Santa Gertrudis Creek which flows into San Fernando Creek/Cayo Del Grullo, TCEQ Segment 2492A.

Discharges are located on that water at:

Outfall 001: Latitude 27º 36’ 40”; Longitude 98º 23’ 17”

III. PROCESS AND DISCHARGE DESCRIPTION

The remediation system consists of six recovery wells equipped with pneumatic pumps operated by a 5 horsepower air compressor. Crude oil with entrained water produced from each pumping well are routed to an oil/water separator. The recovered crude oil is routed to an above ground 300 gallon storage tank where it is transferred via a pump into a 436-bbl aboveground storage tank. The crude oil stored in the 436-bbl tank is periodically removed via a vacuum truck and transported offsite to a Koch Pipeline Company facility. The co-produced water is routed through a low-profile air-stripping unit and two liquid-phase carbon adsorption drums for treatment prior to on-site discharge. The air stripper removes dissolved-phase hydrocarbons from the water by aeration and volatilization. The treated water exiting the air stripper is pumped through a series of (2) 55-gallon drums filled with granular activated carbon (GAC) to further treat the water. The GAC is used to polish the water, reducing dissolved-phase hydrocarbon concentrations. The treated groundwater is discharged into the small, unnamed ditch located adjacent to the remediation system, which then enters Texas-Mexican (Tex-Mex) Railway right-of-way (ROW). The ditch trends along the ROW and drains into the Piedras Pintas Creek located northeast of the site. The treated groundwater evaporates or infiltrates into the native soils onsite before reaching the Tex-Mex Railway right-of-way, except during heavy rain events.

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Treated water from groundwater remediation system and storm water are routed through Outfall 001, which discharges into a ditch 2 miles upstream from Piedras Pintas Creek, an intermittent water body. Piedras Pintas Creek is a tributary of Santa Gertrudis Creek which flows into San Fernando Creek/Cayo Del Grullo, TCEQ Segment 2492A of the Bays and estuaries.

Table 1: Discharge Characteristics for Outfall 001

The table below shows facility's pollutant concentrations obtained from the NPDES application.

Parameter	Max Concentration, mg/L unless noted	Average Concentration, mg/L unless noted
Flow, MGD	0.0059	0.0059
BOD	< 50	< 50
COD	<500	<500
pH, su	9.31	9.31
Temperature	70 ^{o}F- winter; 85 ^{o}F - summer	
TSS	<100	<100
Ammonia	3	3
TOC	4.8	4.8
Oil & Grease	<1.3	<1.3
Aluminum, Total	0.160	0.160
Arsenic, Total	0.060	0.060
Cadmium, Total	<0.00013	<0.00013
Chromium	<0.00025	<0.00025
Lead	0.00069	0.00069
Mercury	0.0000012	0.0000012
Selenium	<0.0011	<0.0011
Silver	<0.00018	<0.00018
Zinc	0.053	0.053
Nickel	<0.0002	<0.0002

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 May 15, 2014, and was deemed administratively complete on September 3, 2014. Additional permit application information was received on August 27, 2014.

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 oil and grease, benzene, total BETX (sum of benzene, ethyl benzene, toluene and xylene), PAH (polycyclic aromatic hydrocarbon), and total petroleum hydrocarbon (TPH). Water quality-based effluent limitations are established in the proposed draft permit for pH.

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.

The narrative limitation for Oil & Grease is also continued in the draft permit based on the TCEQ narrative standard to limit Oil & Grease. Oil and grease is also limited based on use of an oil/water separator, based on Best Profession Judgment (BPJ), and similar treatment technology as representing best conventional pollutant control technology (BCT).

The drafty permit also continues the limitations and monitoring requirements of the previous permit for Benzene of 0.005 mg/l; Total BETX of 0.100 mg/l; Polycyclic Aromatic Hydrocarbon (PAH) of 0.010 mg/l; and Total Petroleum Hydrocarbon (TPH) of 15 mg/l. These limitations are based on the nature of the treatment systems and is the best available technology economically achievable (BAT), based on the BPJ of the permit writer.

BETX is the sum of benzene, ethyl benzene, toluene and xylene.
PAH is the sum of of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene,

dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3 cd)pyrene, naphthalene, phenanthrene, and pyrene.

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 - 307.9, effective August 24, 2012.

The designated uses of Cayo Del Grullo Waterbody Segment No. 2492 of the Bays and estuaries are primary contact recreation, high aquatic life, and oyster waters

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 flows into Outfall 001. Wastewater discharges from the facility flows into Cayo Del Grullo Waterbody Segment No. 2492 of the Bays and estuaries. The limitation of pH in the discharge shall be limited to the standards for waterbody Segment 2492 of the Bays and estuaries 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 discharge shall not present a hazard to humans, wildlife, or livestock.

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

Wastewater discharges from the facility flows into a drainage ditch thence to Piedras Pintas Creek, thence to Santa Gertrudis Creek, thence to Cayo Del Grullo Waterbody Segment No. 2492A of the Bays and estuaries. The discharge is to a drainage ditch, an intermittent stream. Piedras Pintas Creek is intermittent stream. The critical dilution is 100%, with a critical low flow is 0 cfs. As a result, TEXTOX Menu 1(Discharge is to an intermittent water body that does not enter any perennial water bodies within 3 miles.) is appropriate for discharge to an intermittent stream. For this discharge, acute, freshwater criteria apply, with 100% critical dilution.

In addition, IP, table 5, segment specific values for pH, TSS, total hardness, TDS, chloride, and sulphate values were used in Menu 1 to calculate reasonable potential. For Cayo Del Grullo, segment specific values for pH, TSS, total hardness, TDS, chloride, and sulfate are 7.86, 19 mg/L, 1100 mg/L as CaCO3, 39900 mg/L, 21000 mg/L, and 3030 mg/L respectively.

Reported parameters obtained from the permit application were all below their respective 85% and 70 % of their calculated daily average concentration. As a result, water quality based monitoring and limitations requirements are not established in the proposed permit.

d. Whole Effluent Toxicity Testing

The facility, a minor discharger, does not use any chemical additives in the treatment process. In addition, the facility is approximately 1.2 miles from a perennial water body, but the discharge goes about 0.01 mile and the pollutants of concern were non-detect in the effluent. As a result, biomonitoring test is not proposed in the draft permit.

D. FINAL EFFLUENT LIMITATIONS

See the draft permit for limitations.

E. 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 discharge.

Flow shall continue to be measured, when discharging and reported weekly. The permittee shall continue to monitor for pH, Benzene, BTEX, oil and grease, Polynuclear Aromatic Hydrocarbons (PAH), and Total Petroleum Hydrocarbons (TPH) at Outfall 001, once a month, using grab samples.

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.

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

Wastewater discharges from the facility flows into a drainage ditch thence to Piedras Pintas Creek, thence to Santa Gertrudis Creek, thence to Cayo Del Grullo Waterbody Segment No. 2492 of the Bays and estuaries. The receiving stream is listed as impaired for bacteria (Category 5a) in the 2012 State of Texas 303(d) List for Assessed River/Stream Reaches Requiring Total Maximum Daily Loads (TMDLs). This impairment is under TCEQ's category 5a. Category 5a implies that a TMDL is underway, scheduled, or will be scheduled. The facility does not discharge bacteria. If the waterbody is listed at a later date for additional pollutants, and a total maximum discharge loading determined for the segment, the standard reopener clause would allow the permit to be revised and additional pollutants and/or limits added. 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 pH, oil & grease, total BETX, TPH, benzene, and PAH.

X. ENDANGERED SPECIES

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, at http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action, four species are listed as endangered in Duval County. These species include: Walker's manioc (Manihot walkerae), Gulf Coast Jaguarundi (Herpailurus yagouaroundi cacomitli), Ocelot (Leopardus pardalis), and Least tern (Sterna antillarum). A description of the species and its effects to the proposed permit follows:

WALKER'S MANIOC (Manihot walkerae)

Walker's manioc is a perennial, many-branched, reclining to erect herb up to 5 feet in height. The leaves are alternate, 5-lobed, and deeply incised. The narrow stems are smooth and grayish-brown. Separate male and female flowers occur on the same plant. Male flowers, which occur on elongated stems, are white with light purple streaks and almost tubular in shape. The tiny female flowers occur at the base of the male flowering stalks. The plants flower from April to September following rains.

Walker's manioc grows in dense stands of native brush or in small openings. The major threat to Walker's manioc is the destruction and fragmentation of native brush and grassland habitats where it is currently found.

JAGUARUNDI, GULF COAST

The Jaguarundi is a small weasel-like wild cat with short rounded ears. It is also called Otter cats because of their shot legs, slender elongated bodies, and small flattened heads, giving them

an otter-like appearance. They prefer lowland brush areas close to water or dense tropical areas as their habitat. They are good tree climbers and swimmers. Jaguarundis eat fish that they catch from streams and rivers. Mating occurs from September to November. The cat is suffering decline due to loss of habitat.

OCELOT

The ocelot is a small cat, ranging from 15 to 30 pounds and measuring an average 3 feet 9 inches in length. Its coat has black spots, bars, and stripes on a rich tan to gray background, with irregular black dots on a white underside and dark bars on the tail. The ocelot is listed endangered due to habitat alteration and loss (primarily due to brush clearing), and predator control activities.

LEAST TERN

The Least tern populations have declined due to habitat destruction by permanent inundation, destruction by reservoir releases, channelization projects, alterations of Natural River or lake dynamics resulting in vegetational succession of potential nesting sites, and recreational use of potential nesting sites. Issuance of this permit is found to have no impact on the habitat of this species, as none of the aforementioned listed activities is authorized by this permitting action.

Determination

The permit renewal reflected here does not change the nature or volume of the pollutants from the current condition. The permit has retained the limitations and conditions of the expiring permit. EPA believes these limitations are adequate to protect the listed species in Duval County, Texas. EPA has determined that the re-issuance of the permit will have “no effect” on the Gulf Coast Jaguarundi and the Ocelot based on Consultation #211040098 as well as the Walker's manioc and the Least Tern.

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. PERMIT REOPENER

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

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. COMPLIANCE HISTORY

The effluent from the facility has been monitored under the conditions of the current permit with a January 1, 2010, effective date. Five years of Discharge Monitoring Report data has been reviewed and there were about three exceedances of the maximum pH. The other parameters were all in compliance with their permit limits during the same five year period.

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 May 15, 2014. Additional permit application information was received on August 27, 2014.

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, January 2003.

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.9, effective August 17, 2000.

http://www.tpwd.state.tx.us/huntwild/wild/species/wmanioc/

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 McCauley, Koch Pipeline Company, LP dated September 3, 2014, informing applicant that its' NPDES application received May 15, 2014, is administratively complete.

Letter from Dorothy Brown, EPA, to Mr. Larry Van Horn, Koch Pipeline Company, LP dated August 6, 2014, informing applicant that its' NPDES application received May 15, 2014, is administratively incomplete.

NPDES Permit TX0124982 issued on November 2, 2009, effective January 1, 2010, and expires December 31, 2014

Email from Robert Kirkland, EPA, to Maria Okpala, EPA, dated August 6, 2014, on critical conditions information.