NPDES PERMIT NO. TX0125008
STATEMENT OF BASIS

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

APPLICANT:

Southwest Ozona Gas Plant
P.O. Box 1029
Ozona, TX 76943

ISSUING OFFICE:

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

April 10, 2013

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 March 29, 2013.

RECEIVING WATER – BASIN

Howard Draw, thence (after approximately 25 miles) to the lower Pecos River, in the Rio Grande Basin, Water Body Segment Code No. 2310.

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
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 CHANGES FROM PREVIOUS PERMIT

1. Electronic DMR reporting requirements have been included in the proposed permit.
2. 7-day chronic testing requirements have been established in the proposed permit based on permit application information.

II. APPLICANT LOCATION and ACTIVITY

Under the Standard Industrial Classification (SIC) Code No. 1311 and a secondary SIC Code 1321, the applicant operates a natural gas liquids plant.

As described in the application, the facility is located 33 miles Southwest of Ozona on FM 2083 (Pandale Road), Ozona, Crockett County, Texas. Treated groundwater from liquids recovery and treatment system flows into Howard Draw, thence (after approximately 25 miles) to the lower Pecos River, in the Rio Grande Basin, Water Body Segment Code No. 2310.

Discharges are located on that water at:

Outfall 001: Latitude 30^{o} 26’ 46.46” N; Longitude 101^{o} 28’ 6.29” W

III. PROCESS AND DISCHARGE DESCRIPTION

The plant consists of cryogenic natural gas processing with no fractionation, with a design capacity of 90 MMCFD. The plant design utilizes systems for molecular sieve dehydration, gas liquid (NGL) recovery, residue gas compression, propane refrigeration, and condensate stabilizer system. The plant also consists of an amine system which treats liquids prior to pipeline delivery. A dry, pipeline quality residue gas is produced at maximum pressure of 1,200 pounds per square inch gauge (psig).

The plant’s new system’s process is designed to handle historic iron, biofouling, and scaling much more efficiently resulting in less downtime than the previous system. This is partially accomplished by the addition of a chemical mixture amendment (Analytix AN-400P), which is added to the water to inhibit oxidation of soluble ferrous iron to insoluble ferric iron within the inlet stabilization tank. A second chemical mixture amendment (Analytix AN-300/240) is introduced prior to the air stripper to disperse any insoluble colloidal iron through the remainder of the treatment train. The rates at which these chemicals are added to the system are: approximately 265 parts per million (i.e., 2.65 gallons of chemical per 10,000 gallons of treated groundwater).

Wastewater discharges from the facility consist of treated groundwater from liquids recovery and treatment system.

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	0.0588	0.0052
pH, su	7.70 – 8.70	

Parameter	Max Concentration, mg/L unless noted	Average Concentration, mg/L unless noted
TSS	<2.0	
Ammonia	0.025	
TOC	2.58	
Nitrate-Nitrite	0.263	
Oil & Grease	1.15	0.7584
Sulphate	11.9	
Iron	1.95	
Aluminum	0.0357	
Barium	1.64	
Magnesium	46	
Manganese	2.58	
Zinc	0.101	
Nickel	0.0183	
Benzene	<0.001	
Ethylbenzene	<0.0011	
Toluene	<0.0011	<0.000637
Acenaphthene	0.0018	0.000373
Acenaphtylene	<0.0005	<0.000211
Anthracene	<0.0005	<0.000211
Benzo(a)Anthracene	<0.0005	<0.000211
Benzo(a)Pyrene	<0.0005	<0.000211
3,4-Benzofluoranthene	<0.0005	<0.000211
Benzo(ghi)Perylene	<0.0005	<0.000211
Benzo(k)Fluoranthene	<0.0005	<0.000215
Chrysene	<0.0005	<0.000211
Dibenzo(a,h)Anthracene	<0.0007	<0.000286
Fluoranthene	<0.0005	<0.000211
Fluorene	0.0010	0.000273
Indeno(1,2,3-cd)Pyrene	<0.0007	<0.000286
Naphthalene	0.0021	0.0004112
Phenanthrene	0.0017	0.0003612
Pyrene	0.0023	0.0004362

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 February 8, 2013, and was deemed administratively complete on March 21, 2013. Additional permit application information was received on March 20, 2013.

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 proposed permit continues the limitations and monitoring requirements of the previous permit for Oil and grease of 15 mg/l; 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 lower Pecos River, Segment 2310 are primary contact recreation, high aquatic life, 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, 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 flow into Howard Draw, an intermittent stream, then to Lower Pecos River in Water Body Segment No. 2310 of the Rio Grande Basin. pH shall be limited to the standards for the lower Pecos River in Water Body Segment No. 2310 of the Pecos River to the range of 6.5 to 9.0 s.u.

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

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 0.03 cfs. The facility discharges into Howard Draw, an intermittent stream, then to Lower Pecos River in Water Body Segment No. 2310 of the Rio Grande Basin. TCEQ'S TEXTOX Menu 1 (intermittent stream that does not enter perennial water bodies within 3 miles) 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 IP. These values were also used in Menu 1 to calculate reasonable potential. The result of the Menu 1 model run revealed that none of the pollutants showed reasonable potential to violate TSWQS.

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 be monitored continuously using recording flow meter. pH, oil & grease, benzene, total BETX, total TPH and total PAH shall continue to be monitored once a month, using grab sample.

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

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

The facility, a minor discharger, is approximately 25 miles upstream of Texas Segment 2310 – the lower Pecos River. The facility discharges treated groundwater from liquids recovery and treatment system. The facility uses solids chemical precipitation, followed by sediment and solids settling tank, oil/water separator, particulate filtration, solids chemical precipitation, air stripper, particulate filtration, liquid 2-phase carbon polish filter, and treated water storage tank with pH adjustment, if necessary. Since the facility uses chemical in its treatment process, biomonitoring requirements is established in the proposed permit.

Based on IP, discharges into intermittent streams with perennial pools will conduct chronic testing with a critical dilution of 100% effluent. Accordingly, the proposed permit requires that discharge to outfall 001 be monitored by a 7-day chronic toxicity test, with semiannual monitoring according to the provisions indicated in Parts I and II of this permit.

OUTFALL 001

Based on the nature of the discharge; industrial, the estimated average flow; 0.0052 MGD, the nature of the receiving water; intermittent water body with perennial pools; and the critical dilution; 100%, the TCEQ IP directs the WET test to be a 7 day chronic test using *Mysidopsis bahia* and *Menidia beryllina* at a quarterly (once per three-month) frequency for both the vertebrate and the invertebrate test.

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 shall be 32%, 42%, 56%, 75%, and 100%.

This is the first biomonitoring test for the facility so no DMR reports are available. EPA concludes that based on the nature of the discharge described as treated groundwater from liquids recovery and treatment system, this effluent will not cause or contribute to an exceedance of the

State water quality standards. Therefore WET limits will not be established in the proposed permit.

During the period beginning the effective date of the permit and lasting through the expiration date of the permit, the permittee is authorized to discharge from Outfall 001 - the discharge to Howard Draw, thence (after approximately 25 miles) to the lower Pecos River, in the Rio Grande Basin, Water Body Segment Code No. 2310. Discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE MONITORING	
	30-DAY AVG MINIMUM	7-DAY MINIMUM
Whole Effluent Toxicity Testing (7 Day Static Renewal) 1/		
Mysidopsis bahia	REPORT	REPORT
Menidia beryllina	REPORT	REPORT

EFFLUENT CHARACTERISTIC	MONITORING REQUIREMENTS	
	FREQUENCY	TYPE
Whole Effluent Toxicity Testing (7 Day Static Renewal) 1/		
Mysidopsis bahia	1/Quarter	24-Hr. Composite
Menidia beryllina	1/Quarter	24-Hr. Composite

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.

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

Wastewater discharges from the facility flow into Howard Draw, an intermittent stream, then to Lower Pecos River in Water Body Segment No. 2310 of the Rio Grande Basin. The receiving stream is not listed as impaired in the 2010 State of Texas 303(d) List for Assessed River/Stream Reaches Requiring Total Maximum Daily Loads (TMDLs). 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, http://www.fws.gov/southwest/es/ES_Lists_Main.cfm, Black-capped vireo is the only endangered species listed in Crockett County.

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 previously determined during the previous NPDES permit that the authorized discharges would have "no effect" on the Black-capped vireo. EPA received no

comments from the public during the public comment period in 2008 regarding EPA's "no effect" determination. There has been no additional information since the previous permit's issuance that would need to be evaluated.

EPA concludes that the reissuance of the permit will have "no effect" on the species and/or its habitat. The standard reopener clause in the permit will allow EPA to reopen the permit and impose additional limitations if it is determined that changes in species or knowledge of the discharge would require different permit conditions.

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 New Mexico 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 August 1, 2008, effective date. Five years of Discharge Monitoring Reports data have been reviewed and facility was in compliance with its permit limits. However, in May 31, 2012, the facility had an issue with the pH meter being offline (the anode was replaced) and the pH meter came back online.

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 February 8, 2013. Additional permit application information was received on March 20, 2013.

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.fws.gov/southwest/es/ES_Lists_Main.cfm

D. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

E. MISCELLANEOUS CORRESPONDENCE

Letter from Dorothy Brown, EPA, to Mr. Daniel Dick, Senior Environmental Engineer, Southwest Ozona Gas Plant, dated March 21, 2013, informing the applicant that its' NPDES application received February 8, 2012, is administratively complete.

Email from Mr. Daniel Dick, Senior Environmental Engineer to Maria Okpala, EPA, dated March 20, 2013, on additional permit application information.

Email from Robert Kirkland, EPA, to Maria Okpala, EPA, dated March 12, 2013, on critical conditions information.