

**NPDES PERMIT NO. TX0134003
STATEMENT OF BASIS**

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

APPLICANT:

Williams Purity Pipelines LLC;
Texas Belle Pipeline Project
2800 Post Oak Boulevard
Houston, TX 77056

ISSUING OFFICE:

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

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DATE PREPARED:

June 9, 2014

PERMIT ACTION

It is proposed that the facility be issued 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 June 6, 2014.

RECEIVING WATER – BASIN

San Jacinto River

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 |
| HT | Hydrostatic Testing |
| 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) |
| 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 CURRENT PERMIT

The facility is a new discharger.

II. APPLICANT LOCATION and ACTIVITY

Under the Standard Industrial Classification (SIC) Code No. 4619, the applicant is a pipeline company that supplies/produces natural gas liquids for the petrochemical industry.

The Texas Belle pipeline project is a new 6 to 10-inch diameter NGL pipeline that will extend approximately 26.6 miles from Galena Park, Texas (Harris County) to Mont Belvieu, Texas (Chambers County). This pipeline will transport isobutene natural gas liquids.

As described in the application, the pipeline is located at both Harris and Chambers Counties, Texas.

Hydrostatic test water will be discharged into San Jacinto River, Water Body Segment Code No. 1001. of the San Jacinto River Basin.

Discharges are located on that water at:

Outfall 001: Latitude 29° 49' 57" N; Longitude 95° 5' 41" W

III. DISCHARGE LOCATION

The discharge point showing Outfall number, discharge coordinates: latitude and longitude, county, average flow rate in millions gallons per day (MGD), receiving water, and the waterbody identification numbers are shown in the following table:

| Outfall Reference Number | Discharge Coordinates Latitude Deg° Min' Sec" Longitude Deg° Min' Sec" | County | Average Flow MGD | Receiving Water | Segment # |
|--------------------------|--|-------------------|------------------|-------------------|-----------|
| 001 | 29° 49' 57" N 95° 5' 41" W | Harris & Chambers | 0.864 | San Jacinto River | 1001 |

IV. DISCHARGE DESCRIPTION

This will be a new facility and no discharge has occurred. The facility did not provide estimate of the discharge characteristics. However, it is the permit writer's best professional judgment that this will not alter the permit requirements.

Test water will be drawn from the San Jacinto River and returned to the river at the same location the water was withdrawn. Test water will come into contact with only new piping, and therefore, no contaminants will be introduced to the water as a result of the hydrostatic test.

Discharges from Outfall 001 are to San Jacinto River in Water Body Segment Code No. 1001. The designated uses of San Jacinto River, Segment No. 1001 are primary contact recreation and high aquatic life use.

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

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

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures.

There are no published ELG's for this type of activity. Permit limits are proposed based on BPJ. Since hydrostatic test water discharges are batch discharges of short term duration, limits in this Permit will be expressed in terms of daily maximum concentrations rather than in terms of mass limitations, as allowed by 40 CFR 122.45(e) and (f). Limitations for Oil & Grease, TSS, and pH are proposed in the permit. The proposed limitations for TSS are 30 mg/l average, 45 mg/l maximum; and Oil & Grease is 15 mg/l maximum. Narrative standards for oil, grease, or related residue have been placed in the proposed permit. A technology-based limit of 15 mg/l for Oil and Grease should assure that the narrative criterion is maintained. Concentration limits will be protective of the stream uses.

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.

The general criteria and numerical criteria which make up the stream standards are provided in the 2010 EPA-approved Texas Water Quality Standards, Texas Administrative Code (TAC), 30 TAC Sections 307.1 - 307.9, effective August 24, 2012.

2. 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.

For Outfall 001, the hydrostatic test water will be withdrawn and discharged back into the same water body, San Jacinto River. As a result, intake credits are authorized for Outfall 001. Intake credits account for in-situ waterbody conditions for only TSS.

3. 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

The daily minimum and daily maximum permit limits of 6.0 standard units to 9.0 standard units on hydrostatic test general permits are developed by other EPA Regions and States. TAC 307.10 states, "The pH criteria are listed as minimum and maximum values expressed in standard units at any site within the segment."

Wastewater discharges from the facility flow into San Jacinto River, Water Body Segment No. 1001, which has Texas WQS of 6.5 – 9.0 s.u. pH shall be limited to 6.5 – 9.0 s.u., the criteria listed for Segment 1001.

b. Narrative Limitations

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

The following narrative limitations in the proposed permit represent protection of water quality for all Outfalls.

“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 hydrostatic test water would be discharged directly into San Jacinto River, Water Body Segment No. 1001. TCEQ's MENU 5(discharge is directly to a bay, estuary or tidal water body with no upstream flow information.) It discharges directly into San Jacinto River.

Discharge from the facility is 0.864 MGD and the tidal segment is approximately 416 feet wide at the discharge point. This means that chronic criteria apply at 8%, acute criteria apply at 30%, and human health criteria apply at 4% (short notation is MZ = 8%; ZID = 30%; HH = 4%). Human health criteria apply for Saltwater Fish Tissue.

The applicant proposes to both draw and discharge water from San Jacinto River. Hydrostatic test water will contact only new pipe, and no chemicals will be added. As a result, no contaminants are expected to be present in the hydrostatic test water discharge at amounts that would pose a reasonable potential to exceed State WQS.

Solids and Foam

The prohibition of the discharge of floating solids or visible foam in other than trace amounts is proposed in the draft permit.

Turbidity

Waste discharges must not cause substantial and persistent changes from ambient conditions of turbidity or color.

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.

For ALL outfalls, monitoring for flow, TSS, Oil & Grease, TRC and pH shall be daily by grab sample, when discharging.

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

There are no chemical specific limitations in the draft permit and the applicant has stated that no chemical additives such as corrosion inhibitors are being added to the HT water. There does not appear that the discharge will have a potential for toxicity. The draft permit does not propose any biomonitoring of the HT water.

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

According to the 2012 State of Texas 303(d) List for Assessed River/Stream Reaches Requiring Total Maximum Daily Loads (TMDLs), the receiving stream for Outfall 001, San Jacinto River Tidal, Segment 1001 is listed as impaired for dioxin in edible tissue and PCBs in edible tissue. This impairment is under TCEQ's category 5a, which implies that a TMDL is underway, scheduled, or will be scheduled.

In light of the nature of the system, the discharger is not likely to contribute to dioxin in edible tissue and PCBs in edible tissue. Therefore, no additional requirements beyond the previously described technology-based or water quality-based effluent limitations and monitoring requirements, are established 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.

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. Since this is a first time NPDES Permit for this discharge, antibacksliding does not apply.

X. ENDANGERED SPECIES

The effects of EPA's permitting action are considered in the context of the environmental baseline. The environmental baseline is established by the past and present impacts of all Federal, State, or private actions and other human activities in an action area; the anticipated impacts of all proposed Federal projects in an action area that have already undergone formal or early ESA §7 consultation; and the impact of State or private actions that are contemporaneous with the consultation in process (50 CFR §402.02). Hydrostatic test water discharges occur after a pipeline has already been put in place following earth disturbing activities that have had to have received appropriate federal, state, and local authorizations putting the construction of pipeline itself into the environmental baseline. The scope of the evaluation of the effects of the discharge authorized by this permit was therefore limited to the effects related to the authorized discharge.

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_ListSpecies.cfm, Texas Prairie dawn flower is the only endangered species listed in Harris County. Seven species in Chambers County are listed as Endangered or Threatened. The listed species are the Green sea turtle *Chelonia mydas*, the Hawksbill sea turtle *Eretmochelys imbricata*, Kemp's ridley sea turtle *Lepidochelys kempii*, Leatherback sea turtle *Dermochelys coriacea*, Loggerhead sea turtle *Caretta caretta*, brown pelican *Pelecanus occidentalis*, and the Piping Plover *Charadrius melodus*.

The description of the species and its effect on the hydrostatic test discharge are described below.

TEXAS PRAIRIE DAWN FLOWER (*Hymenoxys texana*):

Texas Prairie Dawn is a delicate annual one to six inches tall. Its yellow flower heads, less than 1/2 inch in diameter, stand out brightly in the patches of dull gray barren sand in which the species is normally found.

Texas Prairie Dawn flowers in March - early April; disappear by mid-summer. It is known from about 50 sites, many within Addicks and Barker Reservoirs in western Harris County. However, habitat destruction by urban development continues to threaten this tiny plant. It grows in sparsely vegetated areas ("slick spots") at the base of mima mounds ("pimple mounds") or other nearly barren areas on slightly saline soils in coastal prairie grasslands. This wildflower is found in Fort Bend and Harris counties, southeast Texas. This species occurs within and on the outskirts of Houston.

GREEN SEA TURTLE (*Chelonia mydas*)

Sea turtles are graceful saltwater reptiles, well adapted to life in their marine world. With streamlined bodies and flipper-like limbs, they are graceful swimmers able to navigate across the oceans. When they are active, sea turtles must swim to the ocean surface to breathe every few minutes. When they are resting, they can remain underwater for much longer periods of time. Although sea turtles live most of their lives in the ocean, adult females must return to land in order to lay their eggs. Sea turtles often travel long distances from their feeding grounds to their nesting beaches. Human threats include: oil spills, live bottom smothering with sediments and drilling fluids, dredging, coastal development, agricultural and industrial pollution, seagrass bed degradation, shrimp trawling and other fisheries, boat collisions, under water explosions, ingestion of marine debris, entanglement in marine debris, and poaching.

HAWKSBILL SEA TURTLE (*Eretmochelys imbricata*)

The hawksbill is a small to medium-sized sea turtle averaging approximately 2.8 feet in curved carapace length with a weight of approximately 176 pounds. Hawksbills reenter coastal waters when they reach approximately 20-25 cm carapace length. Coral reefs are widely recognized as the resident foraging habitat of juveniles, sub-adults and adults. This habitat association is undoubtedly related to their diet of sponges, which need solid substrate for attachment. The ledges and caves of the reef provide shelter for resting both during the day and night. Hawksbills are also found around rocky outcrops and high energy shoals, which are also optimum sites for sponge growth. Hawksbills are also known to inhabit mangrove-fringed bays and estuaries, particularly along the eastern shore of continents where coral reefs are absent. In Texas, juvenile hawksbills are associated with stone jetties. Hawksbills utilize both low- and high-energy nesting beaches in tropical oceans of the world. Both insular and mainland nesting sites are known. Hawksbills will nest on small pocket beaches and, because of their small body size and great agility can traverse fringing reefs that limit access by other species. They exhibit a wide tolerance for nesting substrate type. Nests are typically placed under vegetation. Threats to this species include: poaching, oil spills, vessel anchoring and groundings, artificial lighting at nesting sites, mechanical beach cleaning, increased human presence, beach vehicular driving, entanglement at sea, ingestion of marine debris, commercial and recreational fisheries, water craft collisions, sedimentation and siltation, and agricultural and industrial pollution.

KEMP'S RIDLEY SEA TURTLE (*Lepidochelys kempii*)

The Kemp's ridley sea turtles are the smallest of all extant sea turtles. Adult Kemp's ridleys' shells are almost as wide as long. Neonatal Kemp's ridleys feed on the available sargassum and associated infauna or other epipelagic species found in the Gulf of Mexico. In post-pelagic stages, the ridley is largely a crab-eater, with a preference for portunid crabs. Age at sexual maturity is not known, but is believed to be approximately 7-15 years, although other estimates of age at maturity range as high as 35 years. The major nesting beach for Kemp's ridleys is on the northeastern coast of Mexico. This location is near Rancho Nuevo in southern Tamaulipas. The species occurs mainly in coastal areas of the Gulf of Mexico and the northwestern Atlantic Ocean. Hunting of both turtles and eggs contributed to the decline of this species. Existing threats include: development and human encroachment of nesting beaches, erosion of beaches, vehicular traffic on beaches, fisheries, oil spills, floating debris, dredging, and explosive removal of old oil and gas platforms.

LEATHERBACK SEA TURTLE (*Dermochelys coriacea*)

The leatherback is the largest living turtle, and is so distinctive as to be placed in a separate taxonomic family, Dermochelyidae. The carapace is distinguished by a rubber-like texture, about 4 cm thick, and made primarily of tough, oil-saturated connective tissue. No sharp angle is

formed between the carapace and the plastron, resulting in the animal being somewhat barrel-shaped. The front flippers are proportionally longer than in any other sea turtle. Nesting occurs from February - July with sites located from Georgia to the U.S. Virgin Islands. During the summer, leatherbacks tend to be found along the east coast of the U.S. from the Gulf of Maine south to the middle of Florida.

Leatherbacks become entangled in longlines, fish traps, buoy anchor lines and other ropes and cables. This can lead to serious injuries and/or death by drowning. Leatherback turtles eat a wide variety of marine debris such as plastic bags, plastic and styrofoam pieces, tar balls, balloons and plastic pellets. Effects of consumption include interference in metabolism or gut function, even at low levels of ingestion, as well as absorption of toxic byproducts. Leatherbacks are vulnerable to boat collisions and strikes, particularly when in waters near shore. Marine turtles are at risk when encountering an oil spill. Respiration, skin, blood chemistry and salt gland functions are affected.

LOGGERHEAD SEA TURTLE (*Caretta caretta*)

Loggerheads are the most abundant species in U.S. coastal waters, and are often captured incidental to shrimp trawling. Shrimping is thought to have played a significant role in the population declines observed for the loggerhead. Maturity is reached at between 16-40 years. Mating takes place in late March-early June, and eggs are laid throughout the summer. Loggerheads are circumglobal, inhabiting continental shelves, bays, estuaries, and lagoons in temperate, subtropical, and tropical waters. In the United States, killing of nesting loggerheads is infrequent. However, in a number of areas, egg poaching is common. Erosion of nesting beaches can result in loss of nesting habitat. Loggerhead turtles eat a wide variety of marine debris such as plastic bags, plastic and styrofoam pieces, tar balls, balloons and raw plastic pellets. Effects of consumption include interference in metabolism or gut function, even at low levels of ingestion, as well as absorption of toxic byproducts. Turtles are taken by gillnet fisheries in the Atlantic and Gulf of Mexico. Several thousand vessels are involved in hook and line fishing for various coastal species. Sea turtles are at risk when encountering an oil spill. Respiration, skin, blood chemistry and salt gland functions are affected. Pesticides, heavy metals and PCB's have been detected in turtles and eggs, but the effect on them is unknown. Turtles have been caught in saltwater intake systems of coastal power plants. The mortality rate is estimated at 2%. Underwater explosions can kill or injure turtles, and may destroy or damage habitat. The effects of offshore lights are not known. They may attract hatchlings and interfere with proper offshore orientation, increasing the risk from predators. Turtles get caught in discarded fishing gear. The number affected is unknown, but potentially significant.

PIPING PLOVER (*Charadrius melodus*)

A small plover has wings approximately 117 mm; tail 51 mm; weight 46-64 g (average 55 g); length averages about 17-18 cm. Inland birds have more complete breast band than Atlantic coast birds. The nonbreeding plovers lose the dark bands. In Laguna Madre, Texas, non-breeding home ranges were larger in winter than in fall or spring. The breeding season begins when the adults reach the breeding grounds in mid- to late-April or in mid-May in northern parts of the range. The adult males arrive earliest, select beach habitats, and defend established territories against other males. When adult females arrive at the breeding grounds several weeks later, the males conduct elaborate courtship rituals including aerial displays of circles and figure eights, whistling song, posturing with spread tail and wings, and rapid drumming of feet. The plovers defend territory during breeding season and at some winter sites. Nesting territory may or may not contain the foraging area. Home range during the breeding season generally is confined to the vicinity of the nest. Plovers are usually found in sandy

beaches, especially where scattered grass tufts are present, and sparsely vegetated shores and islands of shallow lakes, ponds, rivers, and impoundments.

Food consists of worms, fly larvae, beetles, crustaceans, mollusks, and other invertebrates. The plovers prefer open shoreline areas, and vegetated beaches are avoided. It also eats various small invertebrates. It obtains food from surface of substrate, or occasionally probes into sand or mud.

Strong threats related primarily to human activity; disturbance by humans, predation, and development pressure are pervasive threats along the Atlantic coast.

BROWN PELICAN (*Pelecanus occidentalis*)

On November 17, 2009, brown pelican *Pelecanus occidentalis* was removed from the federal list of threatened and endangered species due to recovery (74 FR 59444 59472). After nearly disappearing from most of the United States decades ago, brown pelican is now flourishing across the nation and no longer needs the protection of the Endangered Species Act.

Potential Effects of Discharges Authorized by this Permit Issuance

Many of the threats to listed threatened or endangered species are will not be affected by the proposed discharges. Those threats include: poaching of turtles and eggs, development and human encroachment of nesting beaches, erosion of beaches, vehicular traffic on beaches, beach armoring, artificial lighting, mechanical beach cleaning, marina and dock development, coastal development, increased human presence, dredging, non-native vegetation, seagrass bed degradation, and agricultural pollution. Other threats which may occur in the area covered under the proposed permit, which are not related to the proposed discharges are: entanglement at sea, commercial and recreational fisheries, and shrimp trawling. The discharges proposed to be authorized by the permit renewal will not affect those threats to threatened or endangered species.

Threats to species which could be related to Natural Gas Liquids Pipeline in the area covered under the proposed permit include: oil spill, industrial pollution, and boat collisions. Of those potential threats, only oil spill is directly relevant to the proposed discharges. The proposed permit contains controls to limit the quantity of pollutants which are discharged and prevent toxic effects in the receiving waters. The proposed permit has limits for Total Suspended Solids, Oil & Grease, flow and pH. The proposed permit is written to include limitations and monitoring requirements on those parameters as a permit conditions.

Determination

EPA is unaware, at this time, of any service concerns regarding this discharge and believes the limitations proposed in this permit are adequate to protect the listed species for Harris and Chambers Counties.

Based on information described above, EPA Region 6 has determined that discharges proposed to be authorized by the proposed permit will have no effect on the listed species in Harris and Chambers Counties.

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.

Operators have an independent ESA obligation to ensure that any of their activities do not result in prohibited “take” of listed species. Section 9 of the ESA prohibits any person from “taking” a listed species, e.g., harassing or harming it, with limited exceptions. See ESA Sec 9; 16 U.S.C. §1538. This prohibition generally applies to “any person,” including private individuals, businesses and government entities. Operators who intend to undertake construction activities in areas that harbor endangered and threatened species may seek protection from potential “take” liability under ESA section 9 either by obtaining an ESA section 10 permit or by requesting coverage under an individual permit and participating in the section 7 consultation process with the appropriate FWS or NMFS office. Operators unsure of what is needed for such liability protection should confer with the appropriate Services.

XI. HISTORICAL AND ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The issuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the issuance. The facility also stated in a cover letter dated December 6, 2013, that no impacts to historic and archeological resources are associated with this project. The State Historic Preservation Officer concurred with the facility that no historic properties are affected and that the project may proceed.

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

This proposed permit is a first-time permit issuance

XV. CERTIFICATION

This permit is in the process of certification by the Texas Railroad Commission 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 modified permit:

A. APPLICATION

NPDES Application for Permit to Discharge, Form 1 & 2D, Permit Application received on April 11, 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, August 24, 2012.

C. Endangered Species References

http://www.fws.gov/southwest/es/ES_ListSpecies.cfm

D. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

E. MISCELLANEOUS CORRESPONDENCE

Letter from Dorothy Brown, EPA, to Ms. Shauna Akers, Williams Purity Pipelines, dated May 7, 2014, informing applicant that its' NPDES application received April 11, 2014, is administratively complete.

Email from Andrea Abshire, EPA, to Maria Okpala, EPA, dated May 7, 2014, on critical conditions information.