NPDES PERMIT NO. TX0134023
STATEMENT OF BASIS

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

APPLICANT:

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Goodrich Compressor Station
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Houston, TX 77046

ISSUING OFFICE:

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Region 6
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DATE PREPARED:

December 2, 2015

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 November 27, 2015.

RECEIVING WATER – BASIN:
Unnamed ditch, thence to Sanson Creek, thence to Trinity River, Segment No. 0802, Trinity River below Lake Livingston of the Trinity River Basin.

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 2	Intermittent waterbody within 3 miles of a freshwater perennial Stream/River
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

None

II. APPLICANT LOCATION and ACTIVITY

Under the SIC Code 4922, the applicant operates a gas compressor station for natural gas transmission. As described in the application, the facility is located at 228 East FM Road1988, Goodrich, Polk County, Texas.

Wastewater discharges from the facility flows into an unnamed ditch, thence to Sanson Creek, thence to Trinity River, Segment No. 0802, Trinity River below Lake Livingston of the Trinity River Basin.

Discharges are located on that water at:

Outfall 001: Latitude 30° 36’ 46”N; Longitude 94° 56’ 26”W

III. PROCESS AND DISCHARGE DESCRIPTION

The facility has a Wash Water/Compressor Engine building. The Wash Water/Compressor Engine building consist of a natural gas compressor engines for the pipeline system, and the basement which contains floor drains that lead to a common header, also referred to as the “sump.” Both ends of the compressor engine building has stair-wells. The bottom of these stair-wells contain a floor drain that connects to the main drain line leading to the oil/water separator. The stair-wells collect direct rain fall and infiltration from groundwater through cracks in the concrete walls after periods of rain.

The concrete oil/water separator or sump separate the liquid phases by gravity. As oily water enters the separator from the main drain line, the oil is separated and allowed to remain inside the sump on the surface of the water column while the clarified water passes over and beneath the weirs into a separate and final compartment of the sump. The clarified water goes into above-ground storage tank, where it is tested prior to discharge.

Treatment system shall be gravity separation of lube oil inside concrete sump prior to discharge. Oil is removed from the concrete sump by a vacuum truck for reclamation by a third-party recycling company. The facility expects the discharge temperature to be less than 90°F.

Discharges will be intermittent and consist of storm water that has infiltrated into basements, groundwater from foundation drains, equipment wash water from compressor building floor drains, and housekeeping washwater from the Goodrich Compressor Station.

The following analytical sample results are listed below:

Outfall 001 – 0.00155 MGD

Parameter	Max. Daily Value (mg/l)	Average Daily Value (mg/l)
BOD	45	30

Parameter	Max. Daily Value (mg/l)	Average Daily Value (mg/l)
TSS	45	30
TRC	3.2	<3.5
TOC	13	6.8
Nitrogen, Total Organic		
Oil & Grease	3.2	<3.5
Temperature, ^{o}C, Winter	23	15
Temperature, ^{o}C	32	29.50
Discharge Flow, MGD	0.003	0.00155
pH, SU	6 - 9	6 – 9
Barium	0.13	0.13
Zinc	0.058	0.058
Total Dissolved Solids	143.65	143.65
Chloride	6.13	6.13
Sulfate	6.31	6.31

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 first-time permit issuance. An NPDES Application for a Permit to Discharge (Form 1 & 2E) was received on May1, 2015, and was deemed administratively complete on September 21, 2015. Additional permit application information was submitted via email on August 27, 2015.

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 BOD, TSS, oil & grease. Water quality-based effluent limitations are established in the proposed draft permit for pH and total residual chlorine.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

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

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

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

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

The narrative limitation for Oil & Grease is established in the draft permit based on the TCEQ narrative standard to limit Oil & Grease. Oil and grease is also limited based on Best Professional Judgment (BPJ), and similar treatment technology as representing best conventional pollutant control technology (BCT).

Temperature reporting requirements are established in the proposed permit because the discharge is from a heat generating facility. Temperature data collected during the permit term will be evaluated to determine temperature requirement during the next permit cycle.

Technology requirements in the previous permit are based on Best Available Technology Economically Achievable (BAT) and/or TCEQ water quality standards for Segment No. 0802, of the Trinity River Basin.

Limitations for BOD_5 and TSS are proposed in the permit and are expressed in terms of concentration. The draft permit will not propose mass limits since the flow is variable and intermittent. Concentration limits will be protective of the stream uses. These limitations are based on the Best Professional Judgment of the permit writer. The proposed limitation for BOD5 and TSS at Outfall 001 is 30 mg/l maximum and 20 mg/l average.

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

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

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

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

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

2. Implementation

The NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

3. State Water Quality Standards

The Clean Water Act in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR 122.44(d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criterion, the permit must contain an effluent limit for that pollutant. If the discharge poses the reasonable potential to cause an in-stream violation of narrative standards, the permit must contain prohibitions to protect that standard. Additionally, the TWQS found at 30 TAC Chapter 307 states that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards" (IP) is designed to ensure compliance with 30 TAC Chapter

307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

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

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

The designated uses of Segment 0802 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 flows into an unnamed ditch, thence to Sanson Creek, thence to Trinity River, Segment No. 0802, Trinity River below Lake Livingston of the Trinity River Basin. The limitation of pH for Outfall 001 shall be limited to the standards for waterbody Segment 0802 of Trinity River below Lake Livingston 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 an unnamed ditch, 0.25 miles above Sanson Creek, then to Sanson Creek (Intermittent) 1.5 miles upstream of Long King Creek (Perennial), Segment No. 0802, Trinity River below Lake Livingston of the Trinity River Basin. TEXTOC MENU 2 (Discharge is to an intermittent water body within three miles of a perennial freshwater ditch, stream or river) is appropriate for evaluating the discharge to Outfall 001. The following

information was used to calculate reasonable potential: 7Q2=12 cfs (7.742 MGD), HM=24 cfs (15.484 MGD).

In addition, consistent with the IP, table 5, segment specific values for pH, TSS, total hardness, TDS, chloride, and sulfate values were used in Menu 2 to calculate reasonable potential. For Trinity River below Lake Livingston, segment specific values for pH, TSS, total hardness, TDS, chloride, and sulfate are 7.4, 9 mg/L, 94 mg/L as CaCO3, 205 mg/L, 26 mg/L, and 35 mg/L respectively.

Water Quality screening was performed for reported parameters and these parameters did not show any reasonable potential to violate TWQS.

Average concentration of TDS obtained from the permit application was screened using the procedures found on pages 175/176 of the ITWQS. Using these procedures, the daily average effluent concentration of TDS obtained from the permit application (143.65 mg/L) was compared to the screening value to determine whether a TDS permit limit is needed. The screening procedure follows:

C_{TDS} = (Cc / 500 mg/L) * 2,500 mg/L

where: C_{TDS} = TDS concentration (mg/L) used to determine the TDS screening value
C_C = TDS criterion (mg/L) at the first downstream Segment = 600 mg/L

C_{TDS} = (600 / 500 mg/L) * 2,500 mg/L = 3,000 mg/L

According to page 176 of ITWQS, if C_{TDS} is greater than or equal to 2,500 mg/L, but less than 6,000 mg/L, then, C_{SV} = C_{TDS} = 3,000 mg/L, where C_{SV} is the TDS screening value. Since the effluent concentration (143.65 mg/L) is less than the TDS screening value (3,000 mg/L), TDS limitations and monitoring requirements are not established in the draft permit.

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

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

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

C_{SO4} = (3,000/600) * 100 mg/L = 500 mg/L;
C_{Cl} = (3,000 / 600 mg/L) * 125 mg/L = 625 mg/L

According to page 175 of ITWQS, the values of 500 mg/L and 625 mg/L are both less than 3,000 mg/L. As a result, 3,000 mg/L is their respective screening value. But their respective effluent concentrations of 6.31 mg/L for SO4 and 6.13 mg/L Cl are less than their respective screening values of 3,000 mg/L. As a result, the proposed permit did not established limitation and monitoring requirements for sulfate and chloride.

In addition, the facility had stated that it will not use chlorine for the treatment of water, although its source of housekeeping wash water is public water supply. EPA notes that since the facility source water is public water supply, total residual chlorine limitation is established in the draft permit. 19µg/L is EPA's acute chlorine criteria and 11µg/L is EPA's chronic chlorine criteria. Limits must be protective of WQS per 40 CFR 122.4(d) and 122.44(d). Since the acute conditions do not allow dilution; the limit must be met at end-of-pipe but chronic standards do allow dilution, the permit shall use the most stringent WQS for the permit limit.

The critical dilution is calculated as follows:

$$\text{Critical Dilution} = \frac{\text{Effluent Flow}}{\text{Effluent flow} + 7Q2}$$

$$= \frac{0.001550}{0.001550 + 7.742}$$

$$= 0.0002 = 0.02\ \%$$

The in-stream TRC concentration after allowing for dilution is: 11µg/L ÷ 0.0002 = 5500 µg/L. Since this value is more than the19µg/L end-of-pipe acute standard, the19 µg/L is more stringent and will be more protective. The draft permit shall establish the 19µg/L limit. However TRC is toxic at measurable amounts, so in addition to the 19 µg/L chemical specific limitation, the narrative limit for TRC shall be "No Measurable." Hence, the effluent shall contain NO MEASURABLE TRC at any time. NO MEASURABLE will be defined as no quantifiable level of TRC as determined by any approved method established in 40 CFR 136 that is greater than the established MQL. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling. In addition, EPA has established a MQL for TRC at 33µg/l. Values less than 33µg/L can be reported as zero.

d. Whole Effluent Toxicity Testing

Biomonioring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics

Biomonitoring requirements are not proposed in the draft permit because at a Critical Dilution of 0.02%, there is enough dilution for the level of effluent TDS concentration and the water will not be chemically treated when discharged. As a result, the discharge will not have a reasonable potential for toxicity.

D. FINAL EFFLUENT LIMITATIONS

See the draft permit for limitations.

E. MONITORING FREQUENCY

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 be monitored daily, when discharging. The permittee shall monitor for BOD, TSS, pH, temperature, oil & grease, and TRC at Outfall 001, shall be monitored twice per 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 an unnamed ditch, 0.25 miles above Sanson Creek, then to Sanson Creek (Intermittent) 1.5 miles upstream of Long King Creek (Perennial), Segment No. 0802, Trinity River below Lake Livingston of the Trinity River Basin. The receiving stream is not listed on the Texas 2012 Clean Water Act Section 303(d) List. 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. 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. This is the first time a permit is issued to the facility.

X. ENDANGERED SPECIES

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action, five species in Polk County are listed as Endangered or Threatened. The listed species are the Least Tern (Sterna antillarum), Piping Plover (Charadrius melodus), Red Knot (Calidris canutus), Red-Cockaded Woodpecker (Picoides borealis), and Texas Trailing Phlox (Phlox nivalis ssp.texensis). Available information from the U.S. Southwest Region Ecological Services web page presents the occurrence of the listed threatened and endangered species in Polk County as follows:

LEAST TERN (Sterna Antillarum)

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.

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.

RED KNOT (Calidris canutus)

Red Knot is a medium-sized shorebird and the largest of the "peeps" in North America, and one of the most colorful. It makes one of the longest yearly migrations of any bird, traveling 15,000

km (9,300 mile) from its Arctic breeding grounds to Tierra del Fuego in southern South America.

Their diet varies according to season; arthropods and larvae are the preferred food items at the breeding grounds, while various hard-shelled molluscs are consumed at other feeding sites at other times.

The Red Knot nests on the ground, near water, and usually inland. The nest is a shallow scrape lined with leaves, lichens and moss. Males construct three to five nest scrapes in their territories prior to the arrival of the females. The female lays three or more usually four eggs, apparently laid over the course of six days. Both parents incubate the eggs, sharing the duties equally. The incubation period last around 22 days.

The birds have become threatened as a result of commercial harvesting of horseshoe crabs in the Delaware Bay which began in the early 1990s. Delaware Bay is a critical stopover point during spring migration; the birds refuel by eating the eggs laid by these crabs (with little else to eat in the Delaware Bay).

RED-COCKADED WOODPECKER (Picoides borealis)

Red-cockaded woodpecker is about 8.5 inches long, with a wingspan of about 14 inches, and a weight of about 1.5 ounces. Its back is barred with black and white horizontal stripes. The Red-cockaded Woodpecker's most distinguishing feature is a black cap and nape that encircle large white cheek patches. The Red-cockaded Woodpecker feeds primarily on ants, beetles, cockroaches, caterpillars, wood-boring insects, and spiders, and occasionally fruit and berries. Red-cockaded Woodpeckers are a territorial, non-migratory, cooperative breeding species, frequently having the same mate for several years. The nesting season runs from April to June. The Red-cockaded Woodpecker makes its home in mature pine forests.

The Red-cockaded Woodpecker plays a vital role in the intricate web of life of the southern pine forests. A number of other birds and small mammals use the cavities excavated by Red-cockaded Woodpeckers, such as chickadees, bluebirds, titmice, and several other woodpecker species, including the Downy, Hairy, and Red-bellied Woodpeckers. Larger woodpeckers may take over a Red-cockaded Woodpecker cavity, sometimes enlarging the hole enough to allow Eastern Screech Owls, Wood Ducks, and even Raccoons to move in later. Its preference for longleaf pine and the destruction of that habitat have resulted in the woodpecker becoming an endangered species. The specificity of the bird’s breeding habitat makes it extremely vulnerable to habitat loss. Red heart fungus was once common in trees at least 70 years old, but most pines are cut before they reach that age, resulting in a shortage of nesting sites. Fire prevention and suppression policies have also negatively impacted the species, allowing underbrush to clog the open forests it prefers. Consequently, conservation efforts have focused on the installation of artificial cavities for nesting and controlled burns.

Issuance of this permit is found to have no impact on the habitat of this species, since the discharge is not expected to lead to the destruction of habitat.

TEXAS TRAILING PHLOX (*Phlox nivalis ssp.texensis)*

Texas trailing phlox is an evergreen perennial herb or shrub. Plants often form clumps, but not mats. The stems tend to spread along the ground, with only the upper one to six inches of the stem erect. Leaves are about 5/8 inch long, needle-like, and densely packed on the stem. Young stems produce the flowers, are more or less erect, and have leaves that are longer and lighter-green in color. Older stems have smaller leaves, darker-green in color, and typically lie directly on the surface of the ground. The flowers are pink to magenta in color. Flowers have five petals, each about 3/8 inch in length. Texas trailing phlox grows on sandy soils in fire-maintained open pine woodlands. Texas trailing phlox occurs in fewer than 20 populations in Hardin, Polk, and Tyler counties.

Flowering occurs during March through May. Texas trailing phlox plants are evergreen, growing whenever temperature and moisture conditions are favorable. New growth is most often seen during periods of highest rainfall, in early spring and early fall. Butterflies are the most likely pollinators. Individual plants may produce 3 to 50 or more flowers, depending on the size of the plant. A plant may bloom over a period of one to 5 weeks.

Texas trailing phlox is well-adapted to fire. Although aboveground parts of the plant are destroyed by fire, underground parts are undamaged, and new growth appears within two weeks after a spring burn. If prescribed burning occurs in April, even plants that had flowered before the fire will resprout and flower again in May. Other plant species which grow in association with Texas trailing phlox include longleaf pine, loblolly pine, black hickory, southern red oak, bluejack oak, post oak, flameleaf sumac, yaupon, sassafras, dwarf pawpaw, St. Andrews cross, poison-oak, and American beautyberry.

The main factor in the decline of Texas trailing phlox has been the loss of open, fire-maintained forests, especially longleaf pine. Habitat loss and degradation due to site preparation for pine plantations, land clearing for pasture establishment, exposure to herbicides, and activities associated with development have also contributed to the decline of this species. Recent increases in the number of plants at some study sites indicate that periodic fire is essential to maintain the open pine woodland essential to the survival of this species.

Issuance of this permit is found to have no impact on the habitat of this species, since the discharge is not expected to lead to the destruction of habitat.

The Environmental Protection Agency has evaluated the potential effects of issuance of this permit modification upon listed endangered or threatened species. After review, EPA has determined that this permit issuance 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. 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 the listed 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 facility submitted a letter dated November 24, 2014, from Boardwalk Pipeline Partners to the Texas Historical Commission requesting "Blanket Environmental Clearance" for the 2015 calendar year regarding certain activities performed on its pipeline system within the State of Texas generally classified as "Minor Activities." The State Historic preservation officer concurred on Boardwalk's list of minor activities on December 22, 2014. As a result, the issuance of the permit should have no impact on historical and/or archeological sites since the State Historic preservation officer granted Boardwalk's list of minor activities.

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 is a first time permit issuance.

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. ELECTRONIC REPORTING RULE

The EPA published electronic reporting rule in the federal register (80 FR 64063) on October 22, 2015. The rule is effective on December 21, 2015. One year after the effective date of the final rule, NPDES regulated entities that are required to submit DMRs (including majors and non-majors, individually permitted facilities and facilities covered by general permits) must do so electronically. EPA and authorized NPDES programs will begin electronically receiving these DMRs from all DMR filers and start sharing these data with each other.

XVIII. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION

NPDES Application for Permit to Discharge, Form 1 & 2E, dated April 20, 2015, and received May 1, 2015.

B. State of Texas References

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

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

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

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

C. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

D. MISCELLANEOUS CORRESPONDENCE

Letter from Dorothy Brown, EPA, to Mr. Greg Terry dated September 21, 2015, informing applicant that its NPDES application received May 1, 2015, is administratively complete.

E mail from Rodney Lee, Senior Environmental Specialist, Gulf South Pipeline Company, LP, to Maria Okpala, EPA, dated August 27, 2015, on additional facility information.

Letter from Dorothy Brown, EPA, to Mr. Greg Terry dated July 7, 2015, informing applicant that its NPDES application received May 1, 2015, is administratively incomplete.

Email from Robert Kirkland, EPA, to Maria Okpala, EPA, dated July 1, 2015, on critical conditions information.