Texas Department of Transportation

BOOK 2 – TECHNICAL PROVISIONS

FOR

US 181 HARBOR BRIDGE PROJECT

DESIGN-BUILD PROJECT

ATTACHMENT 5-2
NPDES PERMIT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P. O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO. WQ0004200000
[For TCEQ office use only – EPA I.D. No. TXS000601]

This is a renewal of NPDES Permit No. TXS000601, issued on April 21, 1995.

PERMIT TO DISCHARGE UNDER THE TEXAS
POLLUTANT DISCHARGE ELIMINATION SYSTEM
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

PART I: AUTHORIZATION

City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469

Del Mar College District
101 Baldwin
Corpus Christi, Texas 78404

Port of Corpus Christi Authority
P.O. Box 1541
Corpus Christi, Texas 78403

Texas Department of Transportation
P.O. Box 9907
Corpus Christi, Texas 78469

Texas A&M University - Corpus Christi
6300 Ocean Drive
Corpus Christi, Texas 78412

are authorized to discharge from the City of Corpus Christi Municipal Separate Storm Sewer System (MS4) (SIC 9111)

including all areas, except for any agricultural lands, located within the corporate boundary of the City of Corpus Christi served by, or otherwise contributing to discharges to the MS4(s) owned or operated by the permittees, located in Nueces, Kleberg, San Patricio, and Aransas Counties, Texas

via the MS4 to Corpus Christi Bay, Nueces Bay, Oso Bay, Laguna Madre, and the Gulf of Mexico, Segment Nos. 2481, 2482, 2485, 2491, and 2501 of the Bays and Estuaries, and to various ditches and tributaries that eventually reach Corpus Christi Bay, Nueces Bay, Oso Bay, Laguna Madre, and the Gulf of Mexico

only according to conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee(s) the right to use private or public property for conveyance of storm water and certain non storm water discharges along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee(s) to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, five years from date of issuance.

ISSUED DATE: AUG 11 2008

For the Commission

PART II: DISCHARGES AUTHORIZED BY THIS PERMIT

A This permit authorizes existing or new storm water point source discharges to surface water in the state from those portions of the Municipal Separate Storm Sewer System (MS4) owned or operated by the copermittees, except as follows:

1. The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:

   a. Unauthorized non-storm water and industrial storm water: Discharges of unauthorized non-storm water; any storm water discharges associated with industrial activity; or other storm water discharges required by either the TCEQ or the EPA to obtain a TPDES or a National Pollutant Discharge Elimination System (NPDES) permit;

   b. Discharges of materials resulting from a spill, except when necessary to prevent loss of life, personal injury, or severe property damage;

   c. However, nothing in subsections a. and b. is intended to negate any person's ability to assert the *force majeure* (Act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC Section (§) 70.7.

This permit does not transfer liability for the act of discharging without, or in violation of, an NPDES or a TPDES permit from the party(ies) responsible for a spill to the permittees. Also see Part III, Item B.7. of this permit.

B Responsibilities of the Permittees:

1. Each permittee is individually responsible for:

   a. Compliance with permit conditions relating to discharges from portions of the MS4 for which they are the operator;

   b. Storm Water Management Program (SWMP) implementation on portions of the MS4 for which they are the operator;

   c. Compliance with annual reporting requirements;

   d. Collection of representative wet weather monitoring data, according to such agreements established between permittees; and

   e. A plan of action to assume responsibility for implementation of the storm water management and monitoring programs on their portions of the MS4 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.

2. Permittees are jointly responsible for permit compliance on portions of the MS4 where operational or SWMP implementation authority over portions of the MS4 is shared or has been transferred from one permittee to another in accordance with legally binding agreements that do not specify responsibility for the portion of such MS4 so transferred.

PART III: STORM WATER MANAGEMENT PROGRAM

A. Each permittee shall contribute to the development, implementation and revision of a comprehensive Storm Water Management Program (SWMP) which includes pollution prevention measures, treatment or pollutant removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the MS4 that reach Waters of the United States (U.S.). Each element of the plan must be developed to include measurable goals, to the maximum extent practicable.

The SWMP shall identify the areas of permittees' jurisdiction for each program element, control, and activity. Implementation of the SWMP may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part III of this permit in lieu of creating duplicate program elements for each individual permittee. The SWMP, taken as a whole, must include controls necessary to effectively prohibit the discharge of non-storm water into the MS4 (except as described in Part III.B.6. of this permit), and reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP).

The SWMP shall cover the term of the permit and shall be updated as necessary or as required by the TCEQ, to ensure compliance with Section 402 of the Clean Water Act, Chapter 26 of the Texas Water Code, applicable EPA and TCEQ regulations, and the requirements of this TPDES permit. Any modifications to the SWMP shall be made in accordance with Part III.G.2. and Part III.G.3. of this permit. Compliance with the SWMP is defined as compliance with Part III.B. The SWMP, and all approved updates are incorporated by reference.

The Best Management Practices (BMPs) included in the SWMP which relate to the discharge of hazardous metals constitute effluent limitations for the purposes of compliance with the requirements of 30 TAC Chapter 319, Subchapter B, related to Hazardous Metals.

B. The SWMP shall, at a minimum, contain the following elements:

1. Structural Controls: The MS4 and any storm water structural controls shall be operated in manner to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP).

2. Areas of New Development and Significant Redevelopment: The permittees shall implement a comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant redevelopment after construction is completed. The goals of such controls shall include:

   a. New development - limiting increases in the discharge of pollutants in storm water as a result of development; and

b. Redevelopment - minimizing the discharge of pollutants in storm water.

3. Roadways: Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.

4. Flood Control Projects: Impacts on receiving water quality shall be assessed for all flood control projects. To the MEP, new flood control projects must be designed and constructed to provide pollutant removal from storm water. If applicable, the retrofitting of existing structural flood control devices to provide additional pollutant removal from storm water shall be implemented, to the MEP.

5. Pesticide, Herbicide, and Fertilizer Application: The permittees shall develop and implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittees' employees or contractors, to public right-of-ways, parks, or other municipal property. The permittees, if they have jurisdiction over lands they do not directly own (e.g. incorporated city), shall implement programs to reduce the discharge of pollutants related to the application and distribution of pesticides, herbicides, and fertilizers.

6. Illicit Discharges and Improper Disposal:

a. Illicit non-storm water discharges to the MS4 shall be prohibited. For the purposes of this permit, the following discharges need not be addressed as illicit discharges by the permittees nor prohibited from entering the MS4:

(1) Discharges authorized by a separate NPDES or TPDES permit, subject to the approval by an authorized permittee;

(2) Discharges for which an NPDES or TPDES permit application has been submitted; and

(3) Other non-storm water discharges, as described below, that are not prohibited by the permittees in the SWMP. The SWMP shall identify any categories of non-storm water discharges that are not prohibited from being discharged into the MS4, in accordance with the following conditions:

(a) Categories of non-storm water discharges that the permittees may exempt from the prohibition on non-storm water entering the MS4 include the following: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (*); uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; street wash water; individual residential vehicle washing; charitable car washes; wash waters using only potable water, and which are similar in quality and character to street wash water or individual residential vehicle washing but without the use of detergents or surfactants; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; other allowable non-storm water discharges as listed in the TPDES Construction General Permit No. TXR150000 and TPDES Multi-Sector General Permit No. TXR050000; additional sources of non-storm water that may be listed in 40 CFR

Section 122.26(d)(2)(iv)(B)(1); as well as other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges. Program descriptions shall address discharges or flows from fire fighting only where such discharges or flows are identified as significant sources of pollutants to surface waters.

(*) For the purposes of this permit, "ground water infiltration" means uncontaminated ground water that enters an MS4 (including storm sewer service connection and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. This does not include, and is distinguished from, "inflow." For the purpose of this permit, "inflow" is defined as water that enters the MS4 (including storm sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage.

(b) The non-storm water discharges exempted from the prohibition on non-storm water must be reasonably expected not to be significant sources of pollutants based on either the nature of the discharges, or conditions placed on the discharges by the permittees.

(c) The SWMP shall describe any local controls or conditions placed on discharges exempted from the prohibition on non-storm water. Permittees shall prohibit any individual non-storm water discharge otherwise exempted under this paragraph from the prohibition on non-storm water that is determined by the permittee to be contributing significant amounts of pollutants to the MS4.

b. Overflows and Infiltration: Each permittee shall implement controls to the MEP, to prevent dry weather and wet weather overflows from sanitary sewers into the MS4, and shall limit the infiltration of seepage from municipal sanitary sewers into the MS4.

Within 180 days of permit issuance, Texas A&M University - Corpus Christi and Del Mar College District shall submit a discussion on how they have addressed this permit requirement.

c. Floatables: The permittees shall ensure the implementation of a program to reduce the discharge of floatables (e.g. litter and other human generated solid refuse) into the MS4, which shall include source controls and, where necessary, structural controls and other appropriate controls.

d. Household Hazardous Waste and Used Motor Vehicle Fluids: The discharge or disposal of used motor vehicle fluids, household hazardous wastes, and the intentional disposal of grass clippings, leaf litter, and animal wastes into the MS4 shall be prohibited. The permittees shall ensure the implementation of programs to collect used motor vehicle fluids (including, at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other

hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis. Household hazardous waste collection centers which are operated by the permittees as a SWMP element are not considered an industrial activity requiring a separate TPDES authorization for the discharge of storm water.

e. MS4 Screening and Illicit Discharge Inspections: The permittees shall implement the Dry Weather Screening Program described in Part III.B.11.a (Monitoring and Screening) of this permit, to locate portions of the MS4 with suspected illicit discharges and improper disposals.

Follow-up activities to eliminate illicit discharges and improper disposals may be prioritized on the basis of magnitude and the nature of the suspected discharge; sensitivity of the receiving water; or other relevant factors. The entire MS4, but not necessarily each individual outfall, shall be screened at least once per five years.

f. Elimination of Illicit Discharges and Improper Disposal: Each permittee shall require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within 30 days is not possible, the permittees shall require an expeditious schedule for removal of the discharge. In the interim, the permittees shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

g. The permittees shall maintain, and update as necessary, a list of discharges directly to the MS4 that have been issued an NPDES or a TPDES permit. The list shall include the name, location and permit number (if known) of the discharger.

7. Spill Prevention and Response: The permittees shall continue and improve as necessary existing programs which prevent, contain, and respond to spills that may discharge into the MS4. The spill response programs may include a combination of spill response actions by the permittees (and/or another public or private entity), and legal requirements for private entities within the jurisdiction of the permittees. This permit does not transfer liability for the act of discharging without, or in violation of, an NPDES or a TPDES permit from the operator of the discharge to the permittees.

8. Industrial & High Risk Runoff: The permittees shall continue and improve as necessary the existing programs to identify and control pollutants in storm water discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittees determine are contributing a substantial pollutant loading to the MS4. The program shall include:

a. Priorities and procedures for inspections and for establishing and implementing control measures for such discharges; and

b. An Industrial and High Risk Monitoring Program as described in Part III.B.11.c. of this permit (Monitoring and Screening).

9. Construction Site Runoff: The permittees shall implement a program to reduce the discharge of pollutants into the MS4 from constructions sites. This program shall include:

   a. Requirements for the use and maintenance of appropriate structural and nonstructural control measures to reduce pollutants discharged to the MS4 from construction sites;

   b. Inspection of construction sites and enforcement of control measure requirements;

   c. Appropriate education and training measures for construction site operators; and

   d. Notification, as appropriate, to building permit applicants of their potential responsibilities under the NPDES/TPDES permitting regulations and permits for construction site runoff.

10. Public Education: The permittees shall implement a public education program component with the following:

   a. A program element to promote and publicize public reporting of illicit discharges or improper disposal of materials, including floatables, into the MS4;

   b. A program element to promote and publicize the proper management and disposal of used oil and household hazardous wastes; and

   c. A program element to promote and publicize the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors.

11. Monitoring and Screening Programs: The permittees shall implement the following monitoring and screening programs:

   a. Dry Weather Screening Program: This program shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the MS4. All areas of the MS4, but not necessarily each individual outfall, must be screened a least once during the permit term.

      Screening methodology may be modified based on experience gained during the actual field screening activities, and is not required to conform to the protocol for field screening at 40 CFR § 122.26(d)(1)(iv)(D). Sample collection and analysis is not required to conform to the requirements of Part V.B.2. of this permit, "Test Procedures."

   b. Wet Weather Screening Program: The permittees shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the MS4. The program shall:

      (1) Screen the MS4, as specified in the SWMP; and

(2) Specify the sampling and non-sampling techniques to be used for current screening and also for follow-up screening. Sample collection and analysis for this Wet Weather Screening Program is not required to conform to the requirements of Part V.B.2. of this permit, "Test Procedures."

Within 180 days of permit issuance, each permittee shall submit a proposal for meeting this requirement to perform wet weather screening over its portion of the MS4. This information shall be submitted to the TCEQ's Storm Water & Pretreatment Team (MC-148), and to the TCEQ Region 14 Office.

c. Industrial and High Risk Runoff Monitoring Program: This program shall include monitoring for pollutants in storm water discharges to the MS4 from Type 1 facilities and Type 2 facilities.

Type 1 facilities include: municipal landfills; hazardous waste treatment, storage, disposal, and recovery facilities; facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and industrial facilities that the permittees determine are contributing a substantial pollutant loading to the MS4.

Type 2 facilities include: other treatment, storage, or disposal facilities for municipal waste (e.g., publicly owned treatment works, transfer stations, incinerators, etc.), and other industrial or commercial facilities that the permittees believe are contributing pollutants to the MS4.

(1) For Type 1 facilities, this program shall include the collection or review of available quantitative data on those parameters which have been identified by the permittees as a pollutant of concern for that facility, and shall either:

(a) coincide with the corresponding industrial sector-specific requirements of the TPDES Multi-Sector General Permit (MSGP) or any applicable general permit issued after September 29, 1995. This exception is not contingent on whether a particular facility is actually covered by the general permit; or

(b) coincide with the monitoring requirements of any individual permit for the storm water discharges from that facility.

To avoid the duplication of efforts, the permittees may review available data collected by a facility as required by any individual or general permit for that facility rather than performing an additional sample collection and analysis.

(2) For Type 2 facilities, appropriate monitoring shall be conducted as determined by the permittees to be necessary. This monitoring may include, but is not limited to, analytical monitoring and/or visual monitoring.

(3) In lieu of the monitoring discussed above, the permittees may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to storm

water and are not expected to be exposed to storm water for the certification period. Where the permittees accept a "no exposure" certification, the permittees shall conduct site inspections of the facility not less than once per permit term to verify the "no exposure" exemption; the permittees may waive this inspection for those facilities which participate in the TCEQ's Small Business and Local Government Assistance Compliance Commitment (C2) Program.

The permittees may also waive monitoring requirements under this permit for facilities that they determine are compliant with the TPDES Multi-Sector General Permit No. TXR050000.

C. Deadlines for SWMP Compliance: Full implementation of all new items required in the SWMP must be accomplished within 180 days of permit issuance, unless a compliance schedule is provided in the permit for a portion of the SWMP.

D. Roles and Responsibilities of Permittees: For shared programs, the SWMP shall clearly identify the roles and responsibilities of each permittee.

E. Legal Authority: Each permittee shall ensure legal authority to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:

1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

2. Prohibit illicit discharges to the MS4;

3. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;

4. Control through interagency agreements among permittees the contribution of pollutants from one portion of the MS4 to another;

5. Require compliance with conditions in ordinances, permits, contracts or orders; and

6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

F. SWMP Resources: Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the SWMP.

G. SWMP Review and Updates:

1. SWMP Review: The permittees shall participate in an annual review of the current SWMP in conjunction with the preparation of the annual report required under this permit.

2. SWMP Updates: The SWMP shall not be revised by the permittees without the prior written approval of the TCEQ, except as follows:

   a. Adding components, controls, or requirements to the SWMP may be made by the permittees at any time upon written notification to the TCEQ.

   b. Changes to the SWMP that are made to replace less effective or infeasible Best Management Practices (BMPs) or other components, controls, or requirements specifically identified in the SWMP, may be requested at any time. Unless denied in writing by the TCEQ, the changes shall be considered approved and may be implemented 60 days from submittal of the request. Such requests must include the following:

      (1) an explanation of why the permittee(s) propose to eliminate the BMP, component, control, or requirement;

      (2) a discussion on the effectiveness of the proposed replacement BMP, component, control, or requirement; and

      (3) an explanation of why the permittee(s) expect the proposed replacement BMP, component, control, or requirement to achieve the goals of the BMP, component, control, or requirement that is proposed to be eliminated.

   c. Changes resulting from any compliance schedules contained in this permit may be requested following completion of an interim task or final deadline. Unless denied in writing by the TCEQ, proposed changes meeting the criteria contained in the applicable schedule shall be considered approved and may be implemented by the permittees 60 days from submittal date.

   d. Change requests or notifications must be made in writing to the TCEQ's Storm Water & Pretreatment Team (MC-148), signed by all directly affected permittees in accordance with Part V.B.8. of the permit, and must include a certification that all permittees were given an opportunity to comment on the proposed changes prior to submittal to the TCEQ.

3. SWMP Updates Required by the TCEQ: The TCEQ may require changes to the SWMP through a permit amendment or modification as needed to:

   a. address impacts on receiving water quality either caused or contributed to by discharges from the MS4;

   b. include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements; or

   c. include such other conditions deemed necessary to comply with the goals and requirements of the Texas Water Code.

If the TCEQ requires changes to the SWMP, the TCEQ will notify the permittees in writing of the required changes; will provide an explanation of the required changes; will set forth the time schedule for the permittees to develop these changes; and will allow the permittees an opportunity to propose alternative program changes to meet the objective of the request. The TCEQ will make changes through a permit amendment, which will be conducted in accordance with 30 TAC § 305.62.

4. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation: The permittees shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than three years from the addition or annexation of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that can not be implemented immediately.

   Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittees shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report.

H. Retention of SWMP Records: The permittees shall retain the SWMP and all associated records for at least three years after coverage under this permit terminates.

PART IV. MONITORING AND REPORTING REQUIREMENTS

A. Beginning upon permit issuance (unless stated otherwise), the permittees shall implement a Wet Weather Characterization sampling program in accordance with either Provision IV.A.1 or IV.A.2. as follows:

1. *Representative Storm Event Monitoring:* Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System (MS4).

a. Monitoring Requirements and Locations: During the period beginning upon date of issuance and lasting through date of expiration, the permittees are authorized to discharge from the Corpus Christi MS4 subject to the following monitoring requirements:

(1)

Discharge Characteristics	Discharge Requirements	Minimum Self-Monitoring Requirements	
	Daily Maximum mg/l	Measurement Frequency	Sample Type
Biochemical Oxygen Demand, 5-day	Report	2/Season (*1)	Composite
Chemical Oxygen Demand (COD)	Report	2/Season (*1)	Composite
Oil and Grease	Report	2/Season (*1)	Grab
Total Suspended Solids (TSS)	Report	2/Season (*1)	Composite
Total Dissolved Solids (TDS)	Report	2/Season (*1)	Composite
Total Nitrogen	Report	2/Season (*1)	Composite
Total Kjeldahl Nitrogen (TKN)	Report	2/Season (*1)	Composite
Nitrate-Nitrogen	Report	2/Season (*1)	Composite
Ammonia-Nitrogen	Report	2/Season (*1)	Composite
Total Phosphorus	Report	2/Season (*1)	Composite
Dissolved Phosphorus	Report	2/Season (*1)	Composite
Total Cadmium (μg/l)	(Report)	2/Season (*1)	Composite
Total Chromium (μg/l)	(Report)	2/Season (*1)	Composite
Total Copper (μg/l)	(Report)	2/Season (*1)	Composite
Total Cyanide (μg/l)	(Report)	2/Season (*1)	Grab
Total Lead (μg/l)	(Report)	2/Season (*1)	Composite
Total Nickel (μg/l)	(Report)	2/Season (*1)	Composite
Total Zinc (μg/l)	(Report)	2/Season (*1)	Composite
E. coli (MPN/100 ml) (*2)	(Report)	2/Season (*1)	Grab
Enterococci (MPN/100 ml) (*2)	(Report)	2/Season (*1)	Grab
Fecal streptococcus (MPN/100 ml)	(Report)	2/Season (*1)	Grab
Hardness (as $CaCO_3$)	(Report)	2/Season (*1)	Grab

(1)

	Discharge Requirements	Minimum Self-Monitoring Requirements	
Temperature (°C)	(Report)	2/Season (*1)	Grab
Diazinon (μg/l)	(Report)	2/Season (*1)	Composite

(*1) Monitoring frequency for each reporting year unless monitoring under Alternative Rapid Bioassessment Option (See Part IV.A.2.). Seasonal monitoring periods are:

May 1 through October 31 (wet); and
November 1 through April 30 (dry)

(*2) Beginning upon permit issuance and lasting for a period of up to one year, the permittees may substitute sampling for E. Coli and Enterococci with sampling for fecal coliform. Beginning no later than one year from permit issuance and lasting until permit expiration, sampling for E. Coli and Enterococci is required.

(2) The pH shall be monitored 2/Season (*1) by grab sample, and the permittees shall report the minimum and maximum values in standard units.

(3) Discharge monitoring samples shall be taken at the following locations:

Outfall 001 ("Carmel - Gollihar"), located between Staples Street and Fort Worth Street along the Carmel Parkway ditch, prior to discharge into Corpus Christi Bay;

Outfall 002 ("Rodd Field Road"), located between Saratoga and Wooldridge in a box culvert under Rodd Field Road, prior to discharge into Oso Bay; and

Outfall 003 ("Schanen"), located between Cedar Pass and Yorktown Boulevard, along Schanen ditch, prior to discharge into Oso Creek.

b. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the TCEQ's Storm Water & Pretreatment Team (MC-148) in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the TCEQ, or unless the outfall contains numeric effluent limitations, use of an alternate monitoring location may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, the permit must be modified prior to substitution of alternate monitoring locations. Six samples shall be collected during the first year of monitoring at substitute outfalls.

2. *Representative Rapid Bioassessment Monitoring:* The permittees have the option of developing and implementing a rapid bioassessment monitoring program.

a. The permittees shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies.

b. Permittees utilizing the rapid bioassessment monitoring option shall conduct monitoring of the MS4 as described in Part IV.A.1. of this permit, except the monitoring for Years Two, Three, and Five are no longer required. All other requirements of Part IV.A.1., A.3., and A.5. remain unchanged.

c. If the permittees elect to develop and implement a rapid bioassessment monitoring program, the permittees shall submit a monitoring program to the TCEQ's Storm Water & Pretreatment Team (MC-148) for approval no later than one year from the effective date of this permit. An approvable program must include:

(1) monitoring of at least two water bodies receiving storm water discharges from the MS4 plus a reference site located within the same ecological region as the MS4, but that does not receive discharges from the MS4;

(2) monitoring of each station at least twice per year, with monitoring conducted at essentially the same time periods each year; and

(3) monitoring of the reference site within a day or two each time a station located in the receiving waters of the MS4 is monitored.

Unless contacted by the TCEQ within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittees may implement the alternate rapid bioassessment program.

d. The permittees shall provide written notification to the TCEQ's Storm Water & Pretreatment Team (MC-148) at least 14 days prior to commencing an alternate rapid bioassessment monitoring program.

3. *Storm Event Data:* For sampling conducted for Part IV.A.1. of this permit and any additional sampling conducted for Part IV.A.4., quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed in Part IV.A.1.a. of this permit, the permittees shall maintain records of the storm events which generated the sampled runoff: date and duration (in hours); rainfall measurements or estimates (in inches); the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

4. *Seasonal Loadings and Event Mean Concentrations.* All necessary sampling data shall be collected to provide estimates for each of the selected monitoring locations (Outfalls 001 through 003 in this permit) of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in Part IV.A.1.a. of this permit. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations shall be included in the Annual Report for Year Four of this permit term.

5. *Sample Type, Collection, and Analysis:* The following requirements apply only to samples collected for Parts IV.A.1 and A.4. of this permit.

a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample must be taken.

b. Grab samples taken during the first two hours of discharge shall be used for the analyses (if required) of pH, temperature, cyanide, oil & grease, E. coli (colonies/100 ml), Enterococci (MPN/100 ml), and fecal streptococcus. For all other parameters, data shall be reported for flow-weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.

c. Samples of a discharge resulting from a storm event that is greater than 0.1 inches and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event shall be collected. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by at least fifteen minutes.

The required 72 hour storm event interval is waived if the preceding storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived if the permittees document that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.

6. *Temporary Suspension and Waivers:* Requirements to conduct representative monitoring as described in Part IV.A.1.a.(1) within a prescribed monitoring period may be temporarily suspended for adverse weather conditions. Adverse weather conditions are conditions that are either dangerous to personnel (e.g. high wind, excessive lightning) or weather conditions that prohibit access to a discharge (e.g. flooding, freezing conditions, extended period of drought). Adverse weather conditions that result in the temporary suspension of a permit requirement to conduct seasonal monitoring must be documented and included as part of the Annual Report. Documentation shall include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.

When seasonal monitoring is temporarily suspended, that monitoring must be conducted in the same season of the following year, in addition to any monitoring required for that season. If the temporarily suspended monitoring requirement cannot be fulfilled during the same season of the following year, then it is permanently waived.

B. Floatables Monitoring

Permittees shall maintain two monitoring locations for removal of floatable material in discharges to or from the MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the Annual Report required in this permit.

C. Annual Report

Each permittee shall contribute to the preparation of an annual system-wide report to be submitted by no later than March 1 of each year. The report shall cover the previous reporting year (November 1 through October 31) and shall include the following separate sections, with an overview for the entire MS4:

1. The status of implementing the SWMP (status of compliance with any schedules established under this permit);

2. Any known proposed changes to the SWMP;

3. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application or the most recent annual report;

4. A summary of the data, including monitoring data, that is accumulated during the reporting year;

5. A summary of the number of the NPDES and TPDES Notices of Intent actually received for each general permit, the number of site notices received from small construction site operators seeking coverage for storm water discharges, and the number of inspections conducted at industrial facilities and construction sites;

6. Annual expenditures for the prior fiscal year, with a breakdown for the major elements of the SWMP, and the budget for the current fiscal year;

7. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and

8. Identification of any water quality improvements, degradations, and progress toward any measurable goals or measured reductions in pollutants.

Preparation and submittal of a system-wide annual report shall be coordinated by the City of Corpus Christi. The report shall indicate which, if any, permittees have failed to provide required information on the portions of the MS4 for which they are responsible to the City of Corpus Christi no later than 45 days prior to report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report. Each permittee shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part V.B.8. of this permit and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been apprised of the content of the Annual Report.

D Certification and Signature of Reports

All reports required by the permit and other information requested by the TCEQ shall be signed and certified in accordance with Part V.B.8. of this permit.

F. Reporting, Where and When to Submit

1. Representative monitoring results (Part IV.A.1) obtained during the reporting year running from November 1 to October 31 shall be submitted on Discharge Monitoring Report Forms along with the Annual Report required by Part IV.C. of this permit. A separate Discharge Monitoring Report Form is required for each monitoring period (season) specified in Part IV.A.1

2. Signed copies of the Annual Report required by Part IV.C., and all other reports required by this permit, shall be submitted to the TCEQ's Wastewater Permitting Section, Storm Water & Pretreatment Team (MC-148) and the TCEQ Region 14 Office.

PART V: DEFINITIONS AND STANDARD PERMIT CONDITIONS

A. Definitions:

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in discharge permits. 30 TAC §§ 305.121 - 305.129, Subchapter F, "Permit Characteristics and Conditions" as promulgated under the Texas Water Code §§ 5.103 and 5.105, and the Texas Health and Safety Code §§ 361.017 and 361.024(a), establish the characteristics and standards for discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit.

All definitions contained in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

1. **Best Management Practices (BMPs)** - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution in discharges that reach waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2. **CWA** - the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

3. **Copermittee** - one of several entities authorized under a single individual permit that is only responsible for permit conditions relating to the discharge for which it is the operator.

4. **Core Municipality** - the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).

5. **Daily average concentration** - the arithmetic average of all discharge samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements. When four samples are not available in a calendar month, the arithmetic average of the four most recent measurements or the arithmetic average (weighted by flow) of all values taken during the month shall be used as the daily average concentration.

6. **Daily maximum concentration** - the maximum concentration measured on a single day, by composite sample unless otherwise specified elsewhere in this permit, within a period of one calender month.

7. **Discharge** - unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

8. **Fecal coliform concentration, or fecal coliform bacteria concentration** - the number of colonies of fecal coliform bacteria per 100 milliliters of sample analyzed. The fecal coliform bacteria daily average is a geometric mean of the values for the discharge samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of fecal coliform bacteria equaling zero (0), a substituted value of one (1) shall be made for input into either computation method.

9. **Flow-weighted composite sample** - a composite sample consisting of a mixture of aliquots collected at either: 1) a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge; or 2) a constant volume at varying time intervals, proportional to the discharge flow rate.

10. **Grab sample** - an individual sample collected in less than 15 minutes.

11. **Illicit connection** - any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

12. **Illicit discharge** - any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES or TPDES permit (other than the NPDES or TPDES permit for certain discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and other allowable non-storm water discharges described in Part III.B.6. of this permit.

13. **Landfill** - an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

14. **Large or medium municipal separate storm sewer system (MS4)** - all MS4s that are either:

    (a) located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or

    (b) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or

    (c) owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the EPA as part of the large or medium municipal separate storm sewer system.

15. **Major Outfall** - an outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

16. **MEP, or "Maximum Extent Practicable"** - the technology-based discharge standard for MS4 established by Section 402(p) of the Federal Clean Water Act.

17. **Municipal separate storm sewer system, or MS4** - a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) designed or used for collecting or conveying storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 30 TAC § 305.2

18. **Outfall** -a *point source* as defined by 40 CFR § 122.2 at the point where a municipal separate storm sewer discharges to surface water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface water in the state and are used to convey surface water in the state.

19. **Permittee** - any entity authorized by this permit to discharge to surface water in the state.

20. **Point source** - any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

21. **Storm sewer** - unless otherwise indicated, a municipal separate storm sewer (MS4).

22. **Storm water** - storm water runoff, snow melt runoff, and surface runoff and drainage.

23. **Storm water associated with industrial activity** - defined in TPDES General Permit No. TXR050000.

24. **Storm Water Management Program, or SWMP** - a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system. For the purposes of this permit, the SWMP is considered a single document, but may actually consist of separate components (e.g. "chapters") for each permittee.

25. **Structural Control (or Practice)** - A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

26. **Surface Water in the State** - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

27. **Time-weighted composite** - a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

28. **Waters of the United States** - For the purposes of this permit, waters of the United States or waters of the U.S. means:

    (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

    (b) all interstate waters, including interstate wetlands;

    (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) which are used or could be used for industrial purposes by industries in interstate commerce;

(d) all impoundments of waters otherwise defined as waters of the United States under this definition;

(e) tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) the territorial sea; and

(g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

B. Monitoring And Reporting Requirements

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct discharge sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a seasonal discharge report shall be submitted each monitoring period, to the Enforcement Division (MC 224), by the 20th day of the following monitoring period for each discharge which is described by this permit whether or not a discharge is made for that period.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Federal Clean Water Act, the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

Unless otherwise specified in this permit, analytical procedures shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.

3. Records of Results

a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

b. Monitoring and reporting records, including the SWMP, requests for SWMP changes, reports, strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee and/or shall be readily available for review by a TCEQ representative for a period of three years from the date of the original record or sample, measurement, report, application, or the latest revisions, whichever is later. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

1. date, time and place of sample or measurement;
2. identity of individual who collected the sample or made the measurement.
3. date and time of analysis;
4. identity of the individual and laboratory who performed the analysis;
5. the technique or method of analysis; and
6. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that maybe instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee performs additional monitoring for any parameter at the outfall(s) included in Part IV of this permit using approved analytical methods as specified above, then all results of such monitoring shall be included in the calculation and reporting of the values submitted in the annual or other reports describing these discharges. Increased frequency of sampling shall be indicated on the reports.

5. Calibration of Instruments

All automatic flow measuring and/or recording devices and/or totalizing meters for measuring flows shall be accurately calibrated by a trained person prior to use and as often as necessary to ensure accuracy, but not less often than annually. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained by the permittee(s) and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

If a compliance schedule is included in this permit, reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule shall be submitted no later than 14 days following each schedule date to the TCEQ Regional Office and to the Enforcement Division (MC-224).

7. Noncompliance Notification

a. In accordance with 30 TAC § 305.125(9) any noncompliance with this permit which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the TCEQ Regional Office and to the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

b. Unauthorized discharges of wastewater or any other waste from the MS4 which results from noncompliance with the SWMP shall be reported under Item V.B 7.a. above.

c. In addition to 7.a. and b. above, and if the permit contains numeric limitations, any violation which deviates from a permitted numeric limitation by more than 40% shall be reported by the permittee in writing to the TCEQ Regional Office and to the Enforcement Division (MC-224) within 5 working days of becoming aware of the noncompliance.

d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC-224) as promptly as possible.

e. Duty to Mitigate

The permittee(s) shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

8. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

C. **PERMIT CONDITIONS**

1. General

a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application in accordance with 30 TAC Chapter 50 and the application process in accordance with 30 TAC Chapter 281, and relying upon the accuracy and completeness of that information and those representations in accordance with 30 TAC Chapter 305. After notice in accordance with 30 TAC Chapter 39 and opportunity for a hearing in accordance with 30 TAC §§ 55.21 - 55.31, Subchapter B, "Hearing Requests, Public Comment", this permit may be modified, suspended, or revoked, in whole or in part in accordance with 30 TAC Chapter 305 Subchapter D, during its term for cause including but not limited to, the following:

1. Violation of any terms or conditions of this permit, or

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.

c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be maintained as a provision of the permit.

2. Compliance

a. Acceptance of the permit by the permittee to whom it is issued constitutes acknowledgment and agreement that the permittee will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or of an application for a permit for another facility.

c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

d. Before beginning any change in the permitted activity that may result in noncompliance with any permit requirements, authorization from the Commission must be obtained.

e. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and the Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

f. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal Clean Water Act, §§ 301, 302, 306, 307, or 308, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee,

Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002.

4. Permit Amendment and/or Renewal

a. The permittee shall give notice to the Executive Director as soon as possible of any planned revisions to the SWMP that would require amendment of the permit.

b. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit unless permission for a later date has been granted by the executive director. The executive director shall not grant permission for applications to be submitted later than the expiration date of the existing permit. The permittee(s) must apply for an amendment or renewal prior to the expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. Authorization to continue such activity will terminate upon the effective denial of said application.

c. In accordance with the Texas Water Code § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

d. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge, and that standard or prohibition is more stringent than a numeric limitation that was established for that pollutant in this permit, then this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of a system authorized by this permit. Such notification should be sent to the Water Quality Applications Team (MC-161) of the Registration, Review & Reporting Division.

b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.33 (relating to Executive Director Action on Application for Transfer).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

D. OPERATIONAL REQUIREMENTS

1. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules.

2. The permittee(s) shall provide a readily accessible sampling point and, where required by the permit, a flow measuring device or other acceptable means by which discharge flow may be determined, at point sources and outfalls with discharge monitoring requirements.

3. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).

4. Documentation

   For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for applications, effluent data, permits, and other data specified in 30 TAC § 305.46, any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice.

5. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

6. Proper Operation and Maintenance

   The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water management programs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

PART VI: OTHER REQUIREMENTS

A. The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent with the applicable CMP goals and policies.

B. Test methods utilized shall be sensitive enough to detect the following parameters at the minimum analytical level (MAL) specified below:

POLLUTANTS	MAL (mg/L)
Cadmium, total	0.001
Chromium, total	0.010
Copper, total	0.010
Cyanide, amenable	0.020
Lead, total	0.005
Nickel, total	0.010
Zinc, total	0.005
Diazinon	0.0005

When an analysis of an effluent sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (0) shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When an analysis of an effluent sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. A zero (0) may not be used.

C. Monitoring results shall be provided at the intervals specified in the permit.

D. For the purposes of this permit, the following definitions apply to this permit term:

Reporting Year - The period beginning on November 1 and ending on October 31.

Year One: The period beginning upon date of issuance and lasting until October 31, 2008.
Year Two: The period beginning November 1, 2008 and lasting until October 31, 2009.
Year Three: The period beginning November 1, 2009 and lasting until October 31, 2010.
Year Four: The period beginning November 1, 2010 and lasting until October 31, 2011.
Year Five: The period beginning November 1, 2011 and lasting until October 31, 2012.

E. Permit coverage may be terminated for a single permittee, in accordance with TCEQ rules, without terminating coverage for other permittees. If a copermittee applies for its own separate individual permit with the same terms and conditions as the current permit, then a renewal application is required for the separate permit and an application for a new permit or major amendment is not required. If a copermittee applies for an individual permit along with different copermittees, then a major amendment application is required.