



June 10, 2021

Storm Water Multi-Sector General Permit for Industrial Facilities (TXR050000) Renewal.

The Texas Commission on Environmental Quality (TCEQ) plans to renew TXR050000 (Permit), which is set to expire on August 14, 2021. This Multi-Sector General Permit covers storm water discharges from industrial facilities within the State of Texas. Unless otherwise eligible for Automatic Authorization, permittees under the current program must submit an application (Notice of Intent/NOI or No Exposure Certification/NEC) for coverage under the renewed Permit on or before the ninetieth (90th) day following the effective date of the renewed Permit (August 14, 2021), roughly by November 12, 2021. Additionally, the facility's Industrial Storm Water Pollution Prevention Plan (SWP3) should be updated/revised to address any facility changes; bring the SWP3 up to date; and/or accommodate Permit revisions, as needed. Primary Permit revisions are listed below and on the following pages.

- **Table of Contents/Page 6** - removed Part V.I.3 (Limitations on Permit Coverage).
- **Part I (Definitions)/Page 12** - added definitions including "Minimize - For the purposes of this permit, minimize means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices." and "NAICS - North American Industry Classification System".
- **Part I (Definitions)/Page 17** - removed "... (other than cooling ponds as defined in 40 CFR Part 423.11(m) that also meet the criteria of this definition)..." from the definition of Waters of the United States.
- **Part II.A.1.b (Permit Applicability and Coverage)/Page 18** - removed "These sectors are further divided into sub-sectors and further defined by SIC codes in Part V of this general permit". Added "2017 NAICS Code" and "NAICS Code Descriptions" columns to the sector tables. Removed "2819 - Industrial Inorganic Chemicals, Not Elsewhere Classified" from Sector C: Chemical and Allied Products table.
- **Part II (Application for Coverage)/Page 98** - revised to accommodate submittal of NOIs and NECs via electronic submittal, as now required unless an electronic reporting waiver is obtained.
- **Part II.C.3.d (Posting Proof of Permit Coverage)/Page 99** - added "The permittee shall post a sign or other notice of permit coverage in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities, at least five days from obtaining permit coverage. The location must be in close proximity to the facility and at potentially impacted public access areas. The permittee shall use a font large enough to be readily viewed from a public right-of-way and conduct periodic maintenance of the sign to ensure that it is legible, viable, and factually correct. At a minimum, the sign must include the facility's: (1) TPDES authorization number; (2) Contact name and phone number for obtaining additional facility information including the SWP3; and (3) The following statement: "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the TCEQ through the following website: <https://www.tceq.texas.gov/>". The sign or other notice must be posted or maintained at the facility until the facility has terminated permit coverage or the permit has expired, whichever is first."

- **Part II.C.5.b (Contents of the NOI)/Page 100** - updated to accommodate the site information requirements on the new NOI.
- **Part II.C.5.6 (Changes to Information Submitted)/Page 101** - updated to accommodate electronic submittal of Notice of Change (NOC), as now required. Added "(d) A copy of the NOC, submitted either electronically or by paper, must also be provided to the operator of any MS4 receiving the discharge (if required by the MS4), and the SWP3 must include a list of the names and addresses of the MS4 operator(s) receiving a copy". Added "(4) Addition, removal, or change in the location of an outfall. (5) Request to stop submitting monitoring results of benchmarks, numeric effluent limitations (hazardous metals), and pollutants of concern. (6) Changes in facility status from active to inactive and vice versa" to the list of examples of information that can be submitted on an NOC. Added "(f) Delegation of Signatory Authority. If signatory authority is delegated by an authorized representative, then a Delegation of Signatory form must be submitted as required by 30 TAC 305.128 (relating to Signatories to Reports) using STEERS, TCEQ's online permitting system, unless the permittee obtained an electronic reporting waiver. A new Delegation of Signatory form must be submitted, if the delegation changes to another individual or position."
- **Part II.C.7.b (NOT Form)/Page 102, 103** - updated to accommodate electronic submittal of Notice of Termination (NOT), as required now. Added "(3) A copy of the NOT, submitted either electronically or by paper, must be provided to the operator of any MS4 receiving the discharge (if required by the MS4)."
- **Part II.C.10.a (Application Fees)/Page 103** - added "An application fee for electronic submittal of NOIs and NECs is \$100.00."
- **Part III.A.1.a (Implementation of SWP3 and Consistency with Other Plans)/Page 106** - changed "An applicant seeking authorization under this general permit must develop and implement a new, or for existing permittees an updated, SWP3 before submitting an NOI for coverage."
- **Part III.A.3.c (Description of Potential Pollutants and Sources)/Page 108** - added "For sites with large plots of lands where no industrial activity is conducted, the map must also depict those areas. However, no outfall(s) needs to be assigned for those areas, if they only discharge stormwater that has not been in contact with industrial activity."
- **Part III.A.3.d.1 (Drainage Area Site Map)/Page 109** - changed "the location (latitude and longitude) of each outfall covered by the permit and the location (latitude and longitude) of each sampling point (if different from the outfall location);".
- **Part III.A.3.e (Spills and Leaks)/Page 109** - added "...that could contribute pollutants to stormwater discharges...".

- **Part III.A.4.c (Plastic Material Requirements)/Page 111** - added “Plastic Materials Requirements. Facilities that handle pre-production plastic must develop and include in the SWP3 activities that will be implemented to ensure that areas of the facility that can contribute plastic pollutants to stormwater discharges (e.g. areas around containers holding plastic materials, plastic storage areas, loading docks where plastics are present, and outdoor areas where plastic materials may be present) are maintained in a clean and orderly manner. Good housekeeping measures must include measures to prevent exposure of plastics and other plastic pre-production materials to precipitation or runoff prior to their use in further processing or disposal. Plastic materials required to be addressed as stormwater pollutants at a minimum include the following: virgin and recycled plastic resin pellets, powders, flakes, powdered additives, regrind, scrap, waste, and recycling material with the potential to discharge or migrate off-site. Facilities that handle pre-production plastic must implement BMPs to eliminate discharges of plastic in stormwater through the implementation of control measures such as the following, where determined feasible (list not exclusive): minimizing spills, cleaning up spills promptly and thoroughly, sweeping thoroughly, and pellet capturing.”
- **Part III.A.5.a.3 (Additional Documentation Requirements)/Page 113** - changed “If signatory authority is delegated by an authorized representative, then a copy of the formal notification to TCEQ, as required by 30 TAC 305.128 relating to Signatories to Reports must be filed in the SWP3 and made available for review upon request by TCEQ or local MS4 Operator. The formal notification to TCEQ must be submitted either electronically through STEERS, TCEQ’s electronic reporting system, or, if qualifying for an electronic reporting waiver, by paper on a Delegation of Signatories form.”
- **Part III.A.5.a.12 (Additional Documentation Requirements)/Page 113** - added “Documentation of the criteria used to claim a waiver from monitoring hazardous metals.”.
- **Part III.B.e (Reporting)/Page 118** - updated to accommodate electronic reporting of sampling results, as now required.
- **Part III.C.1 (Numeric Effluent Limitations)/Page 119 (misabeled/should be Page 121)** - added “This section describes two types of numeric effluent limitations. Numeric effluent limitations for hazardous metals and numeric effluent limitations for stormwater discharges subject to federal effluent limitations guidelines.” and “All permittees are required to monitor for hazardous metals, unless they qualify for a waiver as described in item (d) below. Monitoring results are kept onsite and are only submitted to TCEQ, when results exceed the daily maximum effluent limitation values in Table 1 below...”. Updated to accommodate electronic reporting of sampling results, as now required.
- **Part III.C.1.c (Waiver from Hazardous Metals Monitoring)/Page 122** - added “The criteria under which the waiver is claimed, must also be identified in the SWP3.”
- **Part III.C.2 (Discharges Subject to Federal Categorical Guidelines)/Page 124** - added “Only those stormwater discharges identified in Table 3 below are eligible for coverage under this permit.” and added “Table 3. Stormwater-Sector Specific Numeric Effluent Limitations Guidelines”.

- **Part III.D.4 (Exceptions to Monitoring Requirements)/Page 127** - added to the documentation requirements “c. a narrative for the nature of the adverse condition, and d. rain gauge reading(s)”. Changed “Permitted facilities in this inactive status must provide written notice to the executive director of this status by submitting an NOC. Following this notification, permit requirements to sample, inspect, examine, or otherwise monitor stormwater discharges are waived during the period that a facility maintains inactive status, unless the requirements in Part V. of this permit include specific requirements for inactive facilities. Inactive facilities must notify the executive director by submitting an NOC according to Part II.C.6 at least 48 hours before commencing industrial activities and transferring to active status.” Added “(c) Lack of Qualifying Storm Event. When monitoring was not possible due to a lack of a qualifying storm event as documented in the rain gauge recording, monitoring is temporarily suspended.”.
- **Part III.E.6 (Reporting Requirements)/Page 133** - updated to accommodate electronic reporting, as now required. Added “DMRs are only submitted to TCEQ, when results exceed permit limits in Table 1, Part III, Section C.1.”.
- **Part III.E.6.b.3 (Other Non-compliance)/Page 134** - changed “Any other non-compliance(s) as described in Part III.B.5(b)(6)(a) must be reported to the TCEQ by March 31 following the calendar year in which the non-compliance(s) occurred. The permittee shall report any additional non-compliance(s) not described above under this paragraph to the TCEQ, Information Resource Division, MC-213, or to the address shown on a reporting form, if one is made available by TCEQ. The permittee may meet this requirement by submitting a copy of the Annual Comprehensive Site Compliance Inspection Report (see Part III, Section B.5.(b) or by submitting a narrative explanation of the non-compliance(s).”.
- **Part IV (Benchmark Monitoring Requirements)/Page 136** - changed “This permit specifies pollutant benchmark concentrations that are applicable to certain industrial sectors/subsectors. Benchmark monitoring data are primarily used to determine the overall effectiveness of selected BMPs.”.
- **Part IV.B.1.b (Monitoring Periods)/Page 138** - changed “Operators of industrial facilities that obtain coverage after the beginning of a monitoring period shall initiate benchmark monitoring during the first six month monitoring period (January through June or July through December). Because permit renewal occurs in between monitoring periods, the first year of sampling will occur on the first full six month monitoring period (i.e. January through June). Sampling must be conducted once per semiannual monitoring period (January through June and July through December) thereafter, for up to a total of four (4) years, or eight (8) semiannual monitoring periods, depending on when coverage is obtained. Monitoring is not required in the calendar year of renewal of the general permit, because this year does not have two full six months monitoring periods. A waiver is available if the annual average results of monitoring during the first two (2) years are all below benchmark levels, in accordance with Part IV, Section B.1.(c) below.”.

- **Part IV.B.1.c (Monitoring Periods)/Page 138, 139** - changed "Waiver from Benchmark Monitoring. If the annual average results of benchmark sampling for the first two monitoring years are all below the benchmark levels, the permittee is not required to conduct benchmark monitoring during the third and fourth monitoring years. To request the waiver from benchmark monitoring, the permittee shall submit an NOC in accordance with Part II.C.6. The annual average result is the average of all samples collected for a particular pollutant for a specific SIC code during the previous calendar year, January through December. If sampling for any monitoring period was not performed, then the average annual result must be calculated using the remaining samples for that calendar year."
- **Part IV.B.2.a (Reporting Requirements)/Page 139** - updated to accommodate electronic reporting, as now required.
- **Part V (Specific Requirement for Industrial Activities)/starts on Page 140** - updated Numeric Effluent Limitations and Benchmark Monitoring throughout.
- **Part V.7.b (Sector H)/Page 163** - added "The operator is still responsible for notifying TCEQ about the status of the facility according to Part II.C.5 and 6."
- **Part V.9 (Sector J)/Page 171** - added "(d) Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and the generation of dust. The SWP3 must include a description of controls utilized to accomplish this requirement. (e) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls. (f) Permittees shall design and utilize appropriate controls to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or dewater standing water from the site."
- **Part V.2 (Sector L)/Page 175** - added definition "Intermediate Cover – As described in 30 TAC Chapter 330."

In support of our review of the renewed Permit; the Fact Sheet provided by the TCEQ lists the following principle changes:

- Added North American Industrial Classification System (NAICS) and updated a few descriptions of SIC codes in Part II.A.
- Clarified in Part II.C that applications must be submitted electronically, unless the applicant obtains a waiver from electronic reporting.
- Changed provisional coverage to 48 hrs. for paper applications to be consistent with other water quality general permits.
- Part II.C. Added items required on the NOI and the NOC to comply with electronic reporting requirements.
- Part II.C. Added that Delegation of Signatory forms must be submitted using the STEERS online system.
- Part III.A.4. Added that facilities handling pre-production plastic must implement BMPs to eliminate discharges of plastics in stormwater to be consistent with EPA's MSGP.

- Clarified reporting requirements for numeric effluent limitations in Part III.E.6 and added a paragraph in Part III.C. to distinguish between the two types of numeric effluent limitations required: hazardous metals and discharges subject to federal effluent limitations guidelines. Clarified that results of hazardous metals are kept onsite, unless results exceed limits in the MSGP.
- Added a table in Part III.C. providing an overview of regulated discharges subject to federal categorical guidelines. Moved sampling and reporting requirements for those discharges from Part V to this section.
- Modified tables for numeric effluent limitations based on federal effluent guidelines in Part V to be consistent with EPA's MSGP and to clarify which stormwater sources are subject to monitoring requirements.
- Changes to benchmark values and sampling: Based on Benchmark Monitoring Reports received from permittees during permit years 2017 through 2019, the following changes were made after data analysis: 1. Sector T. Lowered the benchmark value for biochemical oxygen demand (BOD) from 20 mg/L to 15 mg/L. 2. Sector U (SIC codes 2074-2079): Lowered total suspended solids from 100 mg/L to 50 mg/L.
- Revised Part V for consistency to require rain gauges to be located onsite.
- Added requirements to implement BMPs for off-site vehicle tracking of sediments, generation of dust, dewatering of trenches and excavations, and pumping or dewatering of standing water to Sector J in Part V.
- Made clarifications to Sector L in Part V to be consistent with regulations for solid waste. Added a definition for "Final Cover" and "Intermediate Cover"; replaced "trenches" with "units" and added that the site map also needs to depict inactive solid waste land fill cells or units.
- Added requirements to Sector Y in Part V to implement BMPs for the control of pollutants at rubber, miscellaneous plastic products, and miscellaneous manufacturing facilities to prevent the discharge of pollutants in stormwater to be consistent with EPA's MSGP.

In summary, there have been many changes made to the Permit that all existing/future permittees must take into consideration upon renewal/application and update/development of their SWP3. In general summary, these changes include:

- Definition additions, removal, and adjustments.
- Improved and expanded incorporation of the North American Industry Classification System (NAICS).
- Accommodation of electronic submittal/reporting requirements (online e-permitting and State of Texas Environmental Electronic Reporting System/STEERS).
- Added sign posting requirement for proof of coverage.
- Updated to accommodate expanded Notice of Intent (NOI) site information requirements.
- Clarified requirements to submit copies of applications, reports, etc. to the Municipal Separate Storm Sewer System (MS4) and to include a list of MS4s copied in the SWP3.
- Expanded the list of conditions when a Notice of Change (NOC) can be used.
- Added requirement to submit a Delegation of Signature Authority form via STEERS.
- Adjusted fees for electronic submittal vs paper submittal.
- Added requirements for facilities that handle pre-production plastic.
- Clarified reporting requirements for numeric effluent limitations and added distinction between the two (2) types of numeric effluent limitations required (hazardous metals and discharges subject to federal effluent limitations guidelines).
- Added tables for daily maximum effluent limitations (hazardous metals) and storm water-sector specific numeric effluent limitations guidelines.
- Modified tables for numeric effluent limitations based on federal effluent guidelines in Part V (Sector Specific Requirements) and changed some benchmark values.
- Revised Part V (Sector Specific Requirements) for consistency to require rain gauges to be located onsite.
- Revised sector specific requirements for Sector J (Mineral Mining and Processing Facilities), Sector L (Landfills and Land Application Sites), and Sector Y (Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Facilities).

This summary must not be relied upon exclusively for compliance purposes. Always refer to the actual regulation to ensure full understanding and compliance.