NPDES PERMIT NO. TX0134060
FACT SHEET

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

APPLICANT

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ISSUING OFFICE

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DATE PREPARED

December 26, 2017

PERMIT ACTION

This is a first time issuance

RECEIVING WATER – BASIN

Various

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

BAT	Best Available Technology Economically Achievable
BOD_5	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
F&WS	United States Fish and Wildlife Service
GPD	Gallon per day
IP	Procedures to Implement the Texas Surface Water Quality Standards
µg/l	Micrograms per liter (one part per billion)
mg/l	Milligrams per liter (one part per million)
MMCFD	Million cubic feet per day
MGD	Million gallons per day
MSGP	Multi-Sector General Permit
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
RRC	Railroad Commission of Texas
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TDS	Total dissolved solids
TMDL	Total maximum daily load
TOC	Total Organic Carbon
TRC	Total residual chlorine
TSS	Total suspended solids
TSWQS	Texas Surface Water Quality Standards
WET	Whole effluent toxicity
WQMP	Water Quality Management Plan
WQS	Water Quality Standards

I. CHANGES FROM THE PREVIOUS PERMIT

Not applicable since this is a new permit issuance.

II. APPLICANT LOCATION and ACTIVITY

The proposed Project involves the hydrostatic testing of an approximate 113-mile portion of Transco's existing natural gas transmission pipeline. The hydrostatic testing will be conducted in three segments. The first segment will extend 43.5 miles from San Patricio County to Victoria county, Texas. The second segment will extend 39.35 miles from Victoria County to Jackson County, Texas. The third segment will extend from 30.32 miles from Jackson County to Wharton County, Texas. Transco proposed to obtain hydrostatic test water from both nearby waterbodies and an existing groundwater well. Upon completion of the hydrostatic test, water will be discharged at two separate locations: Guadalupe River (Outfall 001) and Lake Texana (Outfall 002).

Under the SIC code 4923, the applicant will be constructing a 113-mile-long, natural gas pipeline from San Patricio to Wharton County, Texas. Each segment of the pipeline to be tested will be capped at both ends, filled with water, and pressurized to ensure pipeline integrity per Federal Department of Transportation rules and regulations. Since the hydrostatic test is for used pipe, Transco will clean the line prior to the tests and all cleaning water will be captured and hauled to an approved disposal facility. Transco will add a corrosion inhibitor as well as a tracer dye and gas to the hydrostatic test water. Following the hydrostatic test, carbon filtration will be used to remove suspended solids, oil, grease, and other pollutants found in the test water prior to discharge. Samples would be taken to ensure the test water does not contain more than the maximum allowable amount of any regulated substance. Once the test water is determined to be clean, the water will be discharged through a hay bale structure in an upland area. The water will filter through the hay bales so as not to erode/scour the area surrounding the outfall. The maximum discharge rate will be 1,000 gallons per minute (gpm).

Testing is expected to be completed between April and July 2018. The duration of discharge at each outfall is anticipated to be one to three days. Once the testing is complete, no further testing or discharge will occur. Attached is a submitted vicinity map.

Outfall coordinates:
Outfall 001: Latitude 28.00^{o} 40.00' 22.00"; Longitude 96.00^{o} 58.00' 23.00" – Guadalupe River
Outfall 002: Latitude 29.00^{o} 1.00' 41.00"; Longitude 96.00^{o} 33.00' 14.00" – Lake Texana

III. EFFLUENT CHARACTERISTICS

Source water samples has been tested for the outfalls. Submitted application in form 2E shows as follow:

Parameter	**Outfall 001**		**Outfall 002**	
	Mass (Lbs)	**Concentration (mg/L)**	**Mass (Lbs)**	**Concentration (mg/L)**
Biochemical Oxygen Demand (BOD)	91.74	<2	54.21	<2
Total Suspended Solids (TSS)	2,449.46	53.4	932.41	34.4
E. coli	N/A	488 MPN/100	N/A	23 MPN/100

Oil & Grease	201.83	<4.4	121.7	<4.49
Ammonia (as N)	2.8	0.061	1.14	0.042
Discharge Flow	1,000 gpm		1,000 gpm	
pH range	7.8 +/- 0.1		8.2 +/- 0.1	
Temperature, winter (C)	15.60		16.8	
Temperature, summer (C)	29.3		30	

IV. DISCHARGE DESCRIPTION

This will be a new facility and no discharge has occurred. Therefore, no effluent data are available. However, the proposed discharges from each outfall are described as follows:

Discharge from Outfall 001 is to Guadalupe River in Victoria County, Texas in Segment No. 1803. The designated uses of Segment No. 1803 are primary contact recreation, high aquatic life and public drinking water supply.

Discharge from Outfall 002 is to Lake Texana in Victoria County, Texas in Segment No. 1604. The designated uses of Segment No. 1604 are primary contact recreation, high aquatic life and public drinking water supply.

V. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water”; more commonly known as the “swimmable, fishable” goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered the NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

The application was dated January 27, 2018. It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

VI. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

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

Regulations contained in 40 CFR §122.44 require that NPDES permit limits be developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits, or the previous permit.

Technology-based effluent limitations are established in the proposed draft permit for O&G and TSS. Water quality-based effluent limitations are established in the proposed draft permit for pH.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ pursuant to 40 CFR 125.3(c)(2). EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

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

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

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

2. Effluent Limitation

The proposed limitations for O&G and TSS concentrations are established in the permit draft. Concentration limits will be protective of the stream uses. These limitations are based on the BPJ of the permit writer and are consistent with hydrostatic test of newly constructed pipeline. Since these are technology-based there is no compliance schedule provided to meet these limits. Compliance is required on the permit effective date.

Regulations at 40 CFR §122.45(f)(1) require all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day if feasible. However, the discharge is not continuous; therefore, mass limit is not applicable.

A summary of the technology-based limits for the facility:

Effluent Characteristic	**Discharge Limitation**			
	lbs/day, unless noted		mg/l, unless noted	
Parameter	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max
O&G	N/A	N/A	10	15
TSS	N/A	N/A	30	45

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

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

2. Implementation

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

3. State Water Quality Standards

The Clean Water Act in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR 122.44(d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criterion, the permit must contain an effluent limit for that pollutant. If the discharge poses the reasonable potential to cause an in-stream violation of narrative standards, the permit must contain prohibitions to protect that standard. Additionally, the TWQS found at 30 TAC Chapter 307 states that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards" (IP) is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

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

The general criteria and numerical criteria which make up the stream standards are provided in the 2000 EPA-approved Texas Water Quality Standards, Texas Administrative Code (TAC), 30 TAC Sections 307.1 - 307.10, effective August 17, 2000. The designated uses of the receiving water for discharge 001 (Segment 1803) are primary contact recreation and high aquatic life and public drinking water supply.

The designated uses of the receiving water for discharge 002 (Segment 1604) are primary contact recreation, high aquatic life and public drinking water supply.

4. Reasonable Potential- Procedures

EPA develops draft permits to comply with State WQS, and for consistency, attempts to follow the IP where appropriate. However, EPA is bound by the State's WQS, not State guidance, including the IP, in determining permit decisions. EPA performs its own technical and legal review for permit issuance, to assure compliance with all applicable State and Federal requirements, including State WQS, and makes its determination based on that review.

Waste load allocations (WLA's) are calculated using estimated effluent dilutions, criteria outlined in the TWQS, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentrations that can be discharged and still meet instream criteria after mixing with the receiving stream. From the WLA, a long term average (LTA) is calculated, for both chronic and acute toxicity, using a log normal probability distribution, a given coefficient of variation (0.6), and either a 90th or a 99th percentile confidence level. The 90th percentile confidence level is for discharges to rivers, freshwater streams and narrow tidal rivers with upstream flow data. The 99th percentile confidence level is for discharges to lakes, reservoirs, bays, estuaries, wide tidal rivers, and narrow tidal rivers without upstream flow data. For facilities that discharge into receiving streams that have human health standards, a separate LTA will be calculated. The implementation procedures for determining the human health LTA use a 99th percentile confidence level, along with a given coefficient of variation (0.6). The smaller LTA value between acute and chronic condition is used to calculate the daily average (DLY AVG) and daily maximum (DLY MAX) concentration limits as follow:

DLY AVG = 1.47 LTA and DLY MAX = 3.11 LTA

Procedures found in the IP for determining significant potential are to compare the reported analytical data either from the DMR history and/or the application information, against percentages of the calculated daily average water quality-based effluent limitation. If the average of the effluent data equals or exceeds 70% but is less than 85% of the calculated daily average limit, monitoring for the toxic pollutant will usually be included as a condition in the permit. If the average of the effluent data is equal to or greater than 85% of the calculated daily average limit, the permit will generally contain effluent limits for the toxic pollutant. The permit may specify a compliance period to achieve this limit if necessary.

Procedures found in the IP require review of the immediate receiving stream and effected downstream receiving waters. Discharges within three miles of perennial water or perennial pools with significant aquatic life uses are designed to protect against chronic toxicity and to protect human health in those waters.

5. Permit-Action - Water Quality-Based Limits

Regulations promulgated at 40 CFR §122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). State WQS that are more stringent than effluent limitation guidelines are as follows:

a. pH

Criteria for pH is between 6.5 and 9.0 s.u. for all the water segments pursuant to 30 TAC 307.10.

b. Aesthetic parameters

Narrative criteria is surface waters must be essentially free of floating debris, visible foam and maintained in an aesthetically attractive condition so that oil, grease, or related residue will not produce a visible film or globules of grease on the surface or coat the banks or bottoms of the watercourse; or cause toxicity to man, aquatic life, or terrestrial life pursuant to 30 TAC 307.4(b).

c. Benzene

Studies show that benzene is an appropriate BAT parameter representing the toxic hydrocarbons which may be present in hydrostatic test water discharges from existing natural gas pipelines. Studies also show that the daily maximum level of benzene representing BAT is selected as 50 µg/L. The TCEQ WQS standard for Benzene is 10 µg/L. Since the TCEQ WQS is more stringent than the BAT, benzene limit of 10 µg/L is proposed in the draft permit.

d. BTEX

Benzene, toluene, ethylbenzene, and xylenes are among the hydrocarbons typically found in water contaminated by liquid or gaseous petroleum hydrocarbons. Hydrocarbon condensates left by the natural gas are the major source of toxic pollutants in hydrostatic test water discharges from existing natural gas pipelines. The daily maximum level of BTEX representing BAT is 100 µg/L. The TCEQ does not have BTEX standards. As a result, a BTEX daily maximum limit of 100 µg/L is proposed in the draft permit.

e. TOC

The technology based (BPJ) Total Organic Carbon (TOC) limist only apply to the discharge from pipe which have previously been in service. The effluent limit of 50 mg/l is proposed in the draft permit.

e. TRC

The facility will obtain water from surface water with no chlorine. Test water will be obtained from the outfalls, EPA believes monitoring TRC is not necessary.

f. Toxics

The CWA in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR §122.44 (d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criteria, the permit must contain an effluent limit for that pollutant.

The applicant proposes to draw water from nearby waterbodies, to conduct its hydrostatic testing. Hydrostatic test water will contact existing pipelines. The facility may also treat the waste wastewater with a corrosion inhibitor during the test.

Based on the TCEQ's implementation procedure, Outfall 001 is Menu 3 also and discharges directly to Guadalupe River (perennial, classified segment 1803). Average flow is 3.2 million gallons per day. Outfall 002 is Menu 4 (Discharge directly to a lake). The Outfall discharges to Lake Texana (lake, classified segment 1604).

CRITICAL FLOWS:

001 – USGS Gage 08176500 on Guadalupe River at Victoria, TX was used as a representative gage. The Harmonic Mean and 7Q2 Low Flow for the gage are as follows:
Harmonic Mean (HM) = 637.87 cfs, 7Q2 = 546.57 cfs, Contributing Area (CA) = 5198.93 sq mi

Outfall 001 has a CA = 5810.67 sq mi and critical flows are calculated in the following way:

7Q2 = 546.57 * 5810.67/5198.93 = 610.88 cfs

HARMONIC MEAN = 637.87 * 5810.67/5198.93 = 712.93

Discharge from USGS Gage 08177500 contributes upstream to the overall flow of the Guadalupe River. 7Q2 = 1.63 cfs, HM = 2.51 cfs

Total adjusted flow is:
7Q2 = 610.88 + 1.63 = 612.51 cfs
HM = 712.93 + 2.51 = 715.44 cfs

Critical Conditions: % effluent, Mixing Zone (MZ = 0.80%)

002 – Lake Texana, Critical Flow not applicable.

Critical Conditions: Chronic toxic criteria apply at 15% (MZ = 15%)

D. MONITORING FREQUENCY FOR PARAMETERS

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity, 40 CFR §122.48(b), and to assure compliance with permit limitations, 40 CFR §122.44(i)(1). The monitoring frequencies are based on BPJ, taking into account the nature of the facility, the previous permit, and past compliance history. Grab sample type is appropriate for non-continuous discharges.

Parameter	Frequency*
Flow	1/event
pH	1/event
O&G	1/event
TSS	1/event

* When discharge occurs.

E. WHOLE EFFLUENT TOXICITY

Biomonitoring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

Based on the IP, Outfall 001 and Outfall 002 discharges into a perennial stream and a lake respectively. Accordingly, the proposed permit requires that discharge to outfall 001 be monitored by a 48-hr acute test and Outfall 002 be monitored 7-day chronic toxicity test, once per quarter provisions indicated in Parts I and II of this permit.

OUTFALL 001

The 2003 TCEQ Implementation Plan directs the WET test to be an acute 48-hour test using *Ceriodaphnia dubia* and *Pimephales promelas* at a quarterly frequency. If all WET tests pass during the first year of the permit, the permittee may request a monitoring frequency reduction for the either or both test species for the following 2-5 years of the permit. The vertebrate species (*Pimephales promelas*) may be reduced to once per year. The invertebrate species (*Ceriodaphnia dubia)* may be reduced to twice per year. If any tests fail during that time the frequency will revert back to quarterly frequency for the remainder of the permit term. Both species shall resume quarterly monitoring at a quarterly frequency on the last day of the permit.

Since the facility is a new discharger, there is no WET data; as a result, EPA will not perform reasonable potential analysis. The draft permit proposes biomonitoring requirements.
Based on 10:1 ratio the new critical condition is 8%. The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations shall be 11%, 8%, 6%, 5% and 3%.

During the period beginning the effective date of the permit and lasting through the expiration date of the permit, the permittee is authorized to discharge from Outfall **001** - Discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	**DISCHARGE MONITORING**	**MONITORING REQUIREMENTS**	
WHOLE EFFLUENT TOXICITY TESTING (48-Hour Static Renewal)	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Daphnia pulex	Report	1/Quarter	24-Hr Composite
Pimephales promelas	Report	1/Quarter	24-Hr Composite

1/ Monitoring and reporting requirements begin on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

OUTFALL 002

The 2003 TCEQ Implementation Plan directs the WET test to be a 7 day chronic test using *Ceriodaphnia dubia* and *Pimephales promelas* at a quarterly frequency. If all WET tests pass during the first year of the permit, the permittee may request a monitoring frequency reduction for the either or both test species for the following 2-5 years of the permit. The vertebrate species (*Pimephales promelas*) may be reduced to once per year. The invertebrate species (*Ceriodaphnia dubia*) may be reduced to twice per year. If any

tests fail during that time the frequency will revert back to quarterly frequency for the remainder of the permit term. Both species shall resume quarterly monitoring at a quarterly frequency on the last day of the permit.
Since the facility is a new discharger, there is no WET data; as a result, EPA will not perform reasonable potential analysis. The draft permit proposes biomonitoring requirements.
The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations shall be 20%, 15%, 11%, 8% and 6%.

During the period beginning the effective date of the permit and lasting through the expiration date of the permit, the permittee is authorized to discharge from Outfall **002** - Discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	**DISCHARGE LIMITATION**	**MONITORING REQUIREMENTS**	
WHOLE EFFLUENT TOXICITY TESTING (7-Day Chronic Static Renewal/NOEC) (1/)	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Report	Once/Quarter	24-Hr Composite
Pimephales promelas	Report	Once/Quarter	24-Hr Composite

1/ Monitoring and reporting requirements begin on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

F. FINAL EFFLUENT LIMITATIONS

See the draft permit for limitations.

VII. TMDL REQUIREMENTS

The receiving stream, water segment 1901, is listed in 2014 Texas 303(d) List, approved by EPA on November 19, 2015. The parameter listed is bacteria with a TMDL approved by EPA on October 20, 2008. The goal of the TMDL is to determine the maximum bacterial loading the stream can receive and still allow support of the contact recreation use. EPA believes that the discharge will not cause bacteria concentrations to be negatively impacted, the discharge monitoring of this pollutant is not necessary. No additional requirements beyond the already proposed technology-based and/or water-quality based requirements are needed in the proposed permit.

The receiving stream, water segment 1803, is listed in the 2014 Texas 303(d) List, approved by EPA on November 19, 2015. The parameters listed as impaired are: bacteria, dissolved oxygen, impaired fish community and impaired microbenthic community from the concluence with the Guadalupe River to the confluence with Elm Creek. All of the impairments are listed as Category 5b which means that a review of the standards for one or more parameters will be conducted before a management strategy is selected. EPA believes that the discharge will not cause any of the parameters to be negatively impacted, the discharge monitoring of the pollutant is not necessary. No additional requirements beyond the already proposed technology-based and/or water-quality based requirements are needed in the proposed permit.

The permit has a standard reopener clause that would allow the permit to be changed if at a later date additional requirements on new or revised TMDLs are completed.

VIII. ANTIDEGRADATION

The Texas Commission on Environmental Quality, Texas Surface Water Quality Standards, Antidegradation, Title 30, Part 1, Chapter 307, Rule §307.5 sets forth the requirements to protect designated uses through implementation of the State WQS. The limitations and monitoring requirements set forth in the proposed permit are developed from the State WQS and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water. There are no increases of pollutants being discharged to the receiving waters authorized in the proposed permit.

IX. ANTIBACKSLIDING

The proposed permit is consistent with the requirements and exemption to meet Antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR Part 122.44(i)(B), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless information is available which was not available at the time of permit issuance.

X. ENDANGERED SPECIES CONSIDERATIONS

The effects of EPA's permitting action are considered in the context of the environmental baseline. The environmental baseline is established by the past and present impacts of all Federal, State, or private actions and other human activities in an action area; the anticipated impacts of all proposed Federal projects in an action area that have already undergone formal or early ESA §7 consultation; and the impact of State or private actions that are contemporaneous with the consultation in process (50 CFR §402.02). Hydrostatic test water discharges occur after a pipeline has already been put in place following earth disturbing activities that have had to have received appropriate federal, state, and local authorizations putting the construction of pipeline itself into the environmental baseline. The scope of the evaluation of the effects of the discharge authorized by this permit was therefore limited to the effects related to the authorized discharge.
According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://www.fws.gov/southwest/, Whooping crane *(Grus Americana),* Northern Aplomado Falcon *(Falco femoralis septentrionalis),* Gulf Coast jaguarondi (*Herpailurus yagouraundi cacaomitli),* Ocelot *(Leopardus pardalis),* Kemp's ridley sea turtle *(Lepidochelys kempii)* and the Loggerhead sea turtle *(Caretta caretta).*

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

WHOOPING CRANE *(Grus Americana)*

The whooping crane occurs only in North America and is North America's tallest bird, with male approaching 1.5 m (5 ft) when standing erect. The whooping crane adult plumage is snowy white except for black primaries, black or grayish alula, sparse black bristly feathers on the carmine crown and malar region, and a dark gray-black wedge-shaped patch on the nape. The common name "whooping crane"

probably originated from the loud, single-note vocalization given repeatedly by the birds when they are alarmed. Whooping cranes are a long-lived species; current estimates suggest a maximum longevity in the wild of at least 30 years. Whooping cranes currently exist in the wild at 3 locations and in captivity at 12 sites. The July 2010 total wild population wast estimated at 383. There is only one self-substaining wild population, the Aransas-Wood Buffalo National Park population, which nests in Wood Buffalo National Park and adjacent areas in Canada, and winter in coastal marshes in Texas at Aransas. In addition, there is a small captive-raised, non-migratory population in central Florida, and a small migratory population of individuals introduced beginning in 2001 that migrate between Wisconsin and Florida in an eastern migratory population. The last remaining wild bird in the reintroduced Rocky Mountain Population dies in the spring of 2002.

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

NORTHERN APLOMADO FALCON *(Falco femoralis septentrionalis)*

Adults characterized by rufous (rust) underparts, a gray back, a long and banded tail, and a distrinctive black and white facila pattern. Aplomado falcons are smaller than peregrine falcons and larger than kestrels. The species historical range included Arizona, New Mexico, Texas.

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

GULFT COAST JAGUARUNDI *(Herpailurus yagouaroundi cacomitli)*

Slightly larger than a domestic cat; appearance is unlike any other cat looks more like a large weasel or otter; uniform in color with a dark gray-brown to chestnut brown coat; darker animals usually found in the dense forest while the lighter individuals are found in more arid and open areas; body is long and low with short lets; small, flattened head with weasel-like ears and narrow brown eyes; long, flattened tail.

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

OCELOT *(Leopardus pardalis)*

Ground colours of the short fur of the ocelot, varies from creamy, or tawny yellow, to reddish greay and grey. The underside of the body, tail, and insides of the limbs is whitish. Rather more blotched than spotted, the chain-like spots are bordered with black. Ocelots have both solid and open dark spots which sometimes run in lines along the body. The back of the ears is black with a central yellowy/white band. Solid black spots mark the head and limbs. There are two black stripes on the cheeks and one or two transverse bars on the insides of the forelegs. The tail is either ringed or marked with dark bars on its upper surface. The eye sockets or orbits are incomplete at the back, and the anterior upper premolars are present.

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

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

The Kemp's ridley turtle is the smallest of the sea turtles, with adults reaching about 2 feet in length and weighing up to 100 pounds. The adult Kemp's ridley has an oval carapace that is almost as wide as it is long and is usually olive-gray in color. The carapace has five pairs of costal scutes. In each bridge adjoining the plastron to the carapace, there are four inframarginal scutes, each of which is perforated by a por. The head has two pairs of prefrontal scales. Hatchling are black on both sides. The Kemp'

The Environmental Protection Agency has evaluated the potential effects of issuance of this permit modification upon listed endangered or threatened species. After review, EPA has determined that this permit modification will have "*no effect*" on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

1. No pollutants are identified by the permittee-submitted application at levels which might affect species habitat or prey species. Issuance of this permit is found to have no impact on the habitats of these species.

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

The standard reopener clause in the permit will allow EPA to reopen the permit and impose additional limitations if it is determined that changes in species or knowledge of the discharge would require different permit conditions.

XI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The issuance of the permit should have no impact on historical and/or archeological sites.

XII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of Texas WQS are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the WQS are either revised or promulgated. Should the State adopt a new WQS, and/or develop a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR §122.44(d). Modification of the permit is subject to the provisions of 40 CFR §124.5.

XIII. VARIANCE REQUESTS

None

XIV. CERTIFICATION

This permit is in the process of certification by the State agency following regulations promulgated at 40 CFR 124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service prior to the publication of that notice.

XV. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations.

XVI. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION

NPDES Application for Permit to Discharge, Form 1 & 2E dated on January 2018.

B. State of Texas References

2012 Texas Integrated Report - Texas 303(d) List

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10, effective June 30, 2010

C. 40 CFR CITATIONS
Sections 122, 124, 125, 133, and 136

D. MISCELLANEOUS

NPDES Permit Writers' Manual, September 2010

Letter from Dorothy Brown, EPA, to Mr. Molson, informing the applicant that its NPDES application received 10/23/2017, was administratively complete.

Email from Mr. Molson, Perennial Environmental Services to EPA, 1/23/2018 on additional permit application information.

Email from Michael Daniel, EPA, to Ruben Alayon, EPA, dated December 5, 2017, on critical conditions information.

E. Endangered Species References
http://www.fws.gov/southwest/es/ES_ListSpecies.cfm