NPDES PERMIT NO. OK0044920
STATEMENT OF BASIS

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

APPLICANT:

Midship Pipeline Co., LLC
700 Milam Street
Suite 1900
Houston, TX 77002

ISSUING OFFICE:

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

PREPARED BY:

Quang Nguyen
Environmental Engineer
NPDES Permits & TMDL Branch (6WQ-P)
Water Division
Voice: 214-665-7238
Fax: 214-665-2191
Email: Nguyen.quang@epa.gov

DATE PREPARED:

December 1, 2018

PERMIT ACTION:

It is proposed that the facility be issued a first-time National Pollutant Discharge Elimination System (NPDES) permit for a 5-year term in accordance with regulations contained in 40 Code of Federal Regulations (CFR) 122.46(a).

40 CFR CITATIONS: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, current as of August 23, 2018.

RECEIVING WATER – BASIN

Rush Creek and Rounds Creek

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 ACTIVITY

Under the Standard Industrial Classification (SIC) Code 4922, Natural Gas Transmission and SIC Code1623, Pipeline Construction, the applicant proposed Grady Meter Station and lateral Project ("Project") will include the construction and operation of the following new facilities: (1) approximately 1.87 miles of new 24-inch-diameter lateral pipeline ("Grady Lateral") beginning at the Grady Meter Station, and ending at a tie-in within the Mainline at milepost 78.75, and (2) the "Grady Meter Station", a receipt meter which will be located along the Grady Lateral at milepost GR-0, approximately 7 miles south-southwest of the Town of Lindsay in east-central Grady County, Oklahoma. The Project will be located within Grady and Gavin counties, Oklahoma. The Grady Lateral will be hydrostatically tested as one segment, with a maximum of one discharge location. No HDDs will be required along the Grady Lateral. Hydrostatic test water for the Grady Lateral will be sourced from surface water in the Project area; however, in the event that the intended surface water source is unavailable at the time of testing, the facility will obtain hydrostatic test water from a municipal source. The hydrostatic test water will be discharged in an upland location through energy dissipaters and a sediment filter. The Grady Meter Station will be individually hydrostatically tested, with a maximum of one discharge location. Hydrostatic test water for the Grady Meter Station will be obtained from a municipal source, dechlorinated, and discharged in an upland location through energy dissipaters and a sediment filter.

The Grady Lateral will be individually hydrostatically tested. Discharge of hydrostatic test water will consist of a total one-time volume of 233,000 gallons at 1,500 gallons per minute flow rate. The anticipated duration of discharge for this location is less than 1 day. Outfall 001 will be in Garvin County. The receiving water will be an unnamed tributary to Rounds Creek (OK310810020140_00).

The Grady Meter Station will be hydrostatically tested prior to tie-in with the overall Mainline Pipeline system. Discharge of hydrostatic test water will consist of multiple discrete discharge events with a total discharge volume of approximately 3,750 gallons at 1,000 gallons per minute flow rate. All discrete discharge events will occur over a period of approximately 3 months. Outfall 002 will be in Grady County. The receiving water will be an unnamed tributary to Rush Creek (OK310810050010_00).

As described in the application, there are 2 discharge locations. The discharge points showing outfall number, discharge coordinates: latitude and longitude, county, average flow rate in gallons per minute (gpm), receiving water, and the waterbody identification numbers are shown in the Table 1:

TABLE 1: Discharges Description

Outfall Reference Number	Discharge Coordinates Latitude Deg° Min' Sec" Longitude Deg° Min' Sec"	County	Average Flow gpm	Receiving Water	Waterbody ID #
001	34° 45' 12.976" N -97° 39' 55.792" W	Garvin	1,500	Unnamed tributary to Rounds Creek	OK310810020140_00
002	34° 44' 59.654" N -97° 41' 51" W	Grady	1,000	Unnamed tributary to Rush Creek	OK310810050010_00

III. EFFLUENT CHARACTERISTICS

Source water samples have been tested for the outfalls 001 and 002. Submitted application in form 2E shown in Tables 2 and 3, respectively:

TABLE 2: Outfall 001

Pollutants	Maximum Daily Mass (lbs)	Maximum Daily Concentration (mg/L)	Average Daily Mass (lbs)	Average Daily Concentration (mg/L)
Biochemical Oxygen Demand (BOD)	N/A	< 30	N/A	< 30
Total Suspended Solids	N/A	< 100	N/A	< 100
Fecal Coliform	N/A	N/A	N/A	N/A
Total Residual Chlorine	N/A	N/A	N/A	N/A
Oil and Grease	N/A	< 15	N/A	< 15
Chemical Oxygen Demand (COD)	N/A	N/A	N/A	
Total Organic Carbon (TOC)	N/A	N/A	N/A	
Ammonia (as N)	N/A	< 3.0	N/A	< 3.0
Discharge Flow	1500 gpm (2.16 MGD)		1500 gpm (2.16 MGD)	
pH	6.0 – 9.0 s.u.		6.0 – 9.0 s.u.	
Temperature (Winter)	14º C		23º C	
Temperature (Summer)	30º C		23º C	

TABLE 3: Outfall 002

Pollutants	Maximum Daily Mass (lbs)	Maximum Daily Concentration (mg/L)	Average Daily Mass (lbs)	Average Daily Concentration (mg/L)
Biochemical Oxygen Demand (BOD)	N/A	< 30	N/A	< 30
Total Suspended Solids	N/A	< 100	N/A	< 100
Fecal Coliform	N/A	N/A	N/A	N/A
Total Residual Chlorine	N/A	2.0	N/A	1.0
Oil and Grease	N/A	< 15	N/A	< 15
Chemical Oxygen Demand (COD)	N/A	N/A	N/A	
Total Organic Carbon (TOC)	N/A	N/A	N/A	
Ammonia (as N)	N/A	< 3.0	N/A	< 3.0
Discharge Flow	1000 gpm (1.44 MGD)		1000 gpm (1.44 MGD)	

Pollutants	Maximum Daily Mass (lbs)	Maximum Daily Concentration (mg/L)	Average Daily Mass (lbs)	Average Daily Concentration (mg/L)
pH	6.0 – 9.0 s.u.		6.0 – 9.0 s.u.	
Temperature (Winter)	14º C		23º C	
Temperature (Summer)	30º C		23º C	

IV. STREAM STANDARDS

The general criteria and numerical criteria which make up the stream standards are provided in the Oklahoma Water Quality Standards (Title 785, Chapter 45) promulgated by the Oklahoma Water Resources Board including all amendments which are effective as of September 11, 2017.

V. 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:

The discharge from Outfall 001 is into unnamed tributary to Rounds Creek (OK310810020140_00). The designated uses for Rounds Creek are Aesthetic, Agriculture, Warm Water Aquatic community (WWAC), Fish Consumption, and Primary Body Contact Recreation (PBCR).

The discharge from Outfall 002 is into unnamed tributary to Rush Creek (OK310810050010_00). The designated uses for Rush Creek are Aesthetic, Agriculture, Warm Water Aquatic Community (WWAC), Fish Consumption, and Primary Body Contact Recreation (PBCR).

VI. TENTATIVE DETERMINATION:

The Environmental Protection Agency (EPA) has made a tentative determination, after consultation with the Oklahoma Department of Environmental Quality, (ODEQ) to issue a first – time permit to the applicant for the activities described.

VII. 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.

An NPDES Application for a Permit to Discharge and a revision were submitted to EPA on July 20, 2018 and November 27, 2018, respectively. It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

VIII. 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 Oil & Grease (O&G) and total suspended solids (TSS). Water quality-based effluent limitations are established in the proposed draft permit for pH and TRC.

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 Limitations

There are no published ELG's for this type of activity. Permit limits are proposed based on BPJ. Since hydrostatic test water discharges are batch discharges of short term duration, limits in this Permit will be expressed in terms of daily maximum concentrations rather than in terms of mass

limitations, as allowed by 40 CFR 122.45(e) and (f). Limitations for Oil & Grease, TSS, and pH are proposed in the permit. The proposed limitations for TSS are 30mg/l average, 45 mg/l maximum; and Oil & Grease is 15 mg/l maximum. The draft permit will not propose mass limits since the flow is variable and intermittent. Concentration limits will be protective of the stream uses.

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

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

The 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.

The narrative and numerical stream standards are provided in Oklahoma's Water Quality Standards, (OWQS), as amended (OAC 785:45), and implementation criteria contained in OACs 785:46 and 252:690, promulgated by the Oklahoma Water Resources Board (OWRB), effective as of September 11, 2017, and Department of Environmental Quality (DEQ), respectively. This is to ensure that no point-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.

2. Reasonable Potential

EPA develops draft permits to comply with State WQS, and for consistency, attempts to follow OWQS, OWQS implementation criteria in OAC 785:46 and OAC 252:690, and the Continuing Planning Process (CPP) document where appropriate. However, EPA is bound by the State's WQS, not State guidance, including the OWQS implementation, 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.

In the Reasonable Potential (RP) screening process, the 95th percentile effluent concentration, or estimate thereof if the effluent data set is not sufficiently large to determine it directly, is used to compute an instream concentration according to the regulatory mixing zone equations defined in OAC 785:46. The computed instream concentrations are then compared with the applicable criteria to determine whether RP is exhibited. If RP is exhibited, in accordance with 40 CFR

122.44(d)(1)(vi) and OAC 252:690, a waste load allocation and criterion long term average is computed for each applicable criterion. Water quality-based permit limitations are calculated for each pollutant exhibiting RP for all applicable criteria. The most stringent of the resulting monthly average permit limitations is established in the draft permit for each pollutant requiring such limitations.

The applicant proposes to draw water from surface water in the Project area and from a municipal source, dechlorinated, to conduct its hydrostatic test. Hydrostatic test water will contact only new pipe, and no chemicals will be added. As a result, no contaminants are expected to be present in the hydrostatic test water discharge at amounts that would pose a reasonable potential to exceed State WQS.

Specially, the Grady Lateral will be individually hydrostatically tested. Its hydrostatic test water will be discharged (through energy dissipaters and sediment filter) back into the same water body from which it was taken for the outfall 001. As a result, intake credits are authorized for outfall 001 to account for in situ waterbody conditions for TSS. Intake water credits shall be allowed for the above stated outfall to account for natural water quality under specified conditions. However, EPA does not allow intake credit if the facility uses municipal water supply for this outfall. Intake credits will not be allowed for Grady Meter Station outfall 002 because the facility plans to obtain hydrostatic test water from a municipal water source.

3. Reasonable Potential-Calculations

a. pH

The daily minimum and daily maximum permit limits of 6.0 to 9.0 standard units (s.u.) on hydrostatic test general permits developed by other EPA Regions and States. OAC 785:45-1-12(f)(3) states, "pH values shall be between 6.5 and 9.0 s.u. in waters designated for fish and wildlife propagation; unless pH values outside that range are due to natural conditions." The water quality–based daily minimum pH limit of 6.5 s.u. is more stringent than the technology-based daily minimum pH limit of 6.0 s. u. As a result, the Oklahoma Water Quality Based limits of 6.5 to 9.0 s.u. are established in the proposed permit.

b. Total Residual Chlorine

For chlorine, the limits may be expressed as total residual chlorine (TRC). TRC limits shall apply to Outfall 001 (when municipal water supply is used) and Outfall 002. TRC shall be limited to 19 ug/L, which is EPA's acute criteria for chlorine. The ODEQ does not have TRC standard and EPA is basing limits on RP analysis using EPA criteria. EPA is not using the Oklahoma TRC Implementation Procedures guidance which would result in a less stringent requirement above EPA's chlorine toxicity criteria. The effluent shall contain NO MEASURABLE total residual chlorine at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR 136. If any TRC analytical test result is less than the TRC MQL of 33 µg/l, or the more sensitive Method Detection Limit, a value of zero (0) may be reported.

c. Narrative Limitations

1. Aesthetic Standards

According to OWQS, OAC 785:45-5-12(f) (4) which states that narrative protection for aesthetic standards will propose that surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film or globules of grease on the surface or coat the banks or bottoms of the watercourse; or cause toxicity to man, aquatic life, or terrestrial life. A narrative condition prohibiting the discharge of any visible sheen of oil or globules of oil or grease will be included in the proposed permit. In addition, the technology-based limit of 15 mg/l for Oil and Grease should assure that the narrative criterion is maintained.

2. Agriculture/Livestock and Irrigation (OAC 785:45-5-13)

The levels of chloride, sulfate and total dissolved solids in the test water should be the same as in the receiving water. Hydrostatic testing should not result in significant increases in levels of chloride, sulfate or total dissolved solids in the test water above levels contained in the source water.

3. Primary Body Contact Recreation (OAC 785:45-5-16)

Hydrostatic test wastewater should not contain coliform bacteria, Escherichia coli, and Enterococci at significant levels.

4. Fish and Wildlife Propagation (OAC 785:45-5-12)

Test water being discharged from hydrostatic testing should not contain substances listed in Toxic Substances (785:45-5-12(f)(6)) and Water Column Criteria to protect for the consumption of fish, flesh and water (785:45-5-10(6)) at levels which would have reasonable potential to violate numerical criteria.

5. Primary Body Contact Recreation (OAC 785:45-5-16)

Hydrostatic test wastewater should not contain coliform bacteria, Escherichia coli, and Enterococci at significant levels.

D. TECHNOLOGY BASED VERSUS WATER QUALITY STANDARDS BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at 40 CFR122.44(l)(2)(ii), 122.44(d), and 130.32(b)(6), the draft permit limits are based on either technology-based effluent limit pursuant to 40 CFR122.44(a), on the results of or on State Water Quality Standards and requirements pursuant to 40 CFR122.44(d), or on the results of an established and EPA approved Total Maximum Daily Load (TMDL), whichever are more stringent.

Numerical water quality-based limitations have been placed in the permit for pH and TRC. Technology-based effluent limitations are established in the proposed draft permit for TSS, oil & grease. Narrative standards for oil, grease, or related residue have has been placed in the proposed permit. A technology-based limit of 15 mg/l for Oil and Grease should assure that the narrative criterion is maintained

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

Biomonioring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. According to OAC 785:45-5-12(e)(6)(A), "Surface waters of the state shall not exhibit acute toxicity and shall not exhibit chronic toxicity outside the [chronic] mixing zone.

The facility indicates in their application that no chemical additives such as corrosion inhibitors are being added to the test water. However, they may add one of the chemicals (i.e., sodium bisulfate, sulfur dioxide, sodium thiosulfate pentahydrate, or Vita-D-Chlor) to de-chlorinate its hydrostatic test municipal water prior to discharge or let the test water sit in a frac tank until Total Residual Chlorine permit limits are met. Because the facility may use water treatment chemicals, there appear that the discharge will have a potential for toxicity. The EPA proposes WET monitoring (when water treatment chemicals are used and when discharge occurs) in the draft permit.

Two types of WET tests are used to implement the narrative toxicity criteria: the 48-hour acute test is used to protect against acute toxicity, and the 7-day chronic test is used to protect against chronic toxicity outside the chronic regulatory mixing zone. Two test species are used. The vertebrate species is *Pimephales promelas* (Fathead minnow-tested for survival and growth), and the invertebrate species are *Daphia pulex* (acute testing) and *Ceriodaphnia dubia* (chronic testing).

In accordance with OAC 252:690-3-31, the type of WET test(s) required is based on the value of Q* (Qe(30)/Qu(7Q2)) as follows:

Where:

$Q^* < 0.054$, acute testing only will be required.

$Q^* > 0.33$, chronic testing only will be required.

$0.054 \leq Q^* \leq 0.33$, both acute and chronic testing will be required.

For Outfall 001

Upstream 7Q2 flow rate Q(u)(7Q2) = 0.01 cfs
High thirty day average flow rate is Q(e)(30) = 3.342 cfs

Q* (Qe(30)/Qu(7Q2)) = 334.2

For Outfall 002

Upstream 7Q2 flow rate Q(u)(7Q2) = 0.11 cfs
High thirty day average flow rate is Q(e)(30) = 2.228 cfs

Q* (Qe(30)/Qu(7Q2)) = 20.254

Since Q* > 0.33, chronic testing only will be required both for outfalls, when water treatment chemicals are used and when discharge occurs. According to Appendix D of the Oklahoma Implementation Procedure, critical dilution is 100% because Q* > 0.33.

The dilution series for the chronic test is as follows:100%, 75%, 56%, 42%, and 32%, plus a dilution water control. 100% is the critical dilution.

The 2016 ODEQ Implementation Plan (OAC 252:690-3-41 and 42) directs the WET test to be a 7-day chronic test, using chronic test species *Ceriodaphnia dubia* and *Pimephales promelas* at a quarterly frequency for the first year of the permit. If all WET tests pass during the first year, the permittee may request a monitoring frequency reduction for either or both of the test species for the following 2-5 years of the permit. The invertebrate species (*Ceriodaphnia dubia*) may be reduced to twice per year and the vertebrate species (*Pimephales promelas*) may be reduced to once per year. If any tests fail during that time, the frequency will revert to the once per three months' frequency for the remainder of the permit term. Both test species shall resume monitoring at a quarterly frequency on the last day of the permit.

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 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical low-flow dilution) is defined as 100% effluent.

The EPA did not perform reasonable potential analysis since the facility is a new discharger.

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 into unnamed tributary to Rounds Creek (OK310810020140) and into unnamed tributary to Rush Creek (OK310810050010_00) from Outfall 001and Outfall 002, respectively. Discharges shall be limited and monitored by the permittee as specified in Table 4:

TABLE 4

Whole Effluent Toxicity (7-Day Chronic Static Renewal NOEC) 1/	**30-Day Avg Minimum**	**7-Day Avg Minimum**	**MEASUREMENT FREQUENCY**	**SAMPLE TYPE**
Ceriodaphnia dubia	Report	Report	Once/Quarter	24-Hr Composite
Pimephales promelas	Report	Report	Once/Quarter	24-Hr Composite

FOOTNOTES

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. Biomonitoring shall apply when the facility uses water treatment chemicals and when discharge occurs.

F. FINAL EFFLUENT LIMITATIONS

See the draft permit for limitations.

G. MONITORING FREQUENCY

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity 40 CFR 122.48(b) and to assure compliance with permit limitations 40 CFR 122.44(i)(1). The monitoring frequencies are based on BPJ, taking into account the nature of the discharge.

For ALL outfalls, monitoring for flow, TSS, Oil & Grease, and pH shall be daily by grab sample, when discharging. In addition, outfall 001 (when using municipal water supply) and outfall 002 is required to monitor TRC daily by instantaneous grab sample when discharging.

H. WASTE WATER POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve the operating efficiency and extend the useful life of the treatment system.

I. OPERATION AND REPORTING

The permittee must electronically submit Discharge Monitoring Report's (DMR's) quarterly, beginning on the effective date of the permit, lasting through the expiration date of the permit or termination of the permit, to report on all limitations and monitoring requirements in the permit. The monitoring results will be available to the public.

Sufficiently Sensitive Analytical Methods (SSM)

The permittee must use sufficiently sensitive EPA-approved analytical methods (SSM) (under 40 CFR part 136 or required under 40 CFR chapter I, subchapters N or O) when quantifying the presence of pollutants in a discharge for analyses of pollutants or pollutant parameters under the permit. In case the approved methods are not sufficiently sensitive to the limits, the most SSM with the lowest method detection limit(MDL) must be used as defined under 40 CFR 122.44(i)(1)(iv)(A). If no analytical laboratory can perform a test satisfying the SSM in the region, the most SSM with the lowest MDL must be used after adequate demonstrations by the permittee and EPA approval.

IX. IMPAIRED WATER - 303(d) LIST AND TMDL

The receiving stream for Outfall 002 is an unnamed tributary of Rush Creek (OK310810050010_00). The State of Oklahoma 2016 303(d) list of impaired waters identifies it is impaired due to fishes bioassessments. There is no developed TMDLs for this waterbody. Therefore, no additional requirements beyond the previously described technology-based or water quality-based effluent limitations and monitoring requirements, are established in the proposed permit. The standard reopener language in the permit allows additional permit conditions if warranted by future developed TMDLs.

X. ANTIDEGRADATION

The Oklahoma Water Quality Standards, Antidegradation, OAC 785:45:3-1, sets forth the requirements to protect designated uses through implementation of the State WQS, OAC 785:46,

Subchapter 13. There are no antidegradation restrictions listed in Appendix A of the OWQS for all the receiving waters to which the facility proposes to discharge (see Discharge Description in Section X). As a result, no special requirements beyond Tier 1 protection (maintenance and protection of designated uses, as herein described) are necessary as described in OAC 785:46, Subchapter 13, implementation of the state's antidegradation policy.

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 proposed permit requirements are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water.

XI. ANTIBACKSLIDING

The proposed permit is a first-time issuance.

XII. ENDANGERED SPECIES

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

The facility is currently consulting with the Fish and Wildlife Service. EPA will not finalize the permit until consultation with the Service is completed.

XIII. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The facility is consulting with the Oklahoma State Historic Preservation Office and the Oklahoma Archeological Survey. EPA will consider the result of the consultation in the final permit issuance.

XIV. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of Oklahoma 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.

XV. VARIANCE REQUESTS

None

XVI. CERTIFICATION

The permit is in the process of certification by the Oklahoma Department of Environmental Quality 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.

XVII. FINAL DETERMINATION

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

XVIII. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION

NPDES Application for Permit to Discharge and A Revision, submitted on July 20, 2018 and November 27, 2018, respectively.

B. REFERENCES

"Implementation of the Oklahoma Water Quality Standards," Oklahoma Water Resources Board, Title 785, Chapter 46, effective as of September 11, 2017

Oklahoma Water Quality Standards, (Title 785, Chapter 45) promulgated by the Oklahoma Water Resources Board including all amendments which are effective as of September 11, 2017.

C. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

D. MISCELLANEOUS CORRESPONDENCE

None