NPDES PERMIT NO. OK0044946
STATEMENT OF BASIS

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

APPLICANT

Midship Pipeline Company, LLC
Uncle Johns Creek HDD
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ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
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DATE PREPARED

December 11, 2018

PERMIT ACTION

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

40 CFR CITATIONS: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of November 30, 2018.

RECEIVING WATER – BASIN

Unnamed tributary to Uncle Johns Creek , Oklahoma Segment No. OK620910050030_00 in the Middle Cimarron River Basin

DOCUMENT ABBREVIATIONS

For brevity, Region 6 used acronyms and abbreviated terminology in this Statement of Basis document whenever possible. The following acronyms were used frequently in this document:

BAT	Best Available Technology Economically Achievable
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
CPP	Continuing Planning Process
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
HT	Hydrostatic Testing
IP	Procedures to Implement the Oklahoma Surface Water Quality standards
mg/L	Milligrams per Liter (one part per million)
MGD	Million gallons per and Intrastate Surface Waters
MQL	Minimum quantification level
NPDES	National Pollutant Discharge Elimination System
OAC	Oklahoma Administrative Code
ODEQ	Oklahoma Department of Environmental Quality
O&G	Oil and grease
OWQS	Oklahoma Surface Water Quality Standards
OWRB	Oklahoma Water Resources Board
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
µg /L	Micrograms per Liter (one part per billion)
WET	Whole effluent toxicity
WQMP	Water Quality Management Plan
WQS	Water Quality Standards

I. APPLICANT LOCATION and ACTIVITY

Under the SIC code 4922, Natural Gas Transmission, the applicant plans to operate a natural gas pipeline. Midship Pipeline Company, LLC's proposed Uncle Johns Creek Horizontal Directional Drill (HDD) will consist of the construction by HDD of approximately 0.3 mile of new 30-inch diameter lateral pipeline as part of the construction of Midship's Chisolm Lateral. The HDD will begin at milepost CH9.5 and end at milepost CH9.7 on the Chisolm Lateral, approximately 4.4 miles northeast of the Town of Okarche in south-central Kingfisher County Oklahoma.

The draft permit only authorizes discharges from new pipeline.

II. PROCESS AND DISCHARGE DESCRIPTION

As described in the application, there is one discharge location, in State of Oklahoma. This is a one time discharge. The discharge point showing outfall number, discharge coordinates: latitude and longitude, county, average flow rate in million gallons per day (MGD), receiving water, and the waterbody identification numbers are shown in the following table:

TABLE 1

Summary of Outfall for Hydrostatic Testing

Outfall ID	Latitude	Longitude	County	Average Flow (mgd)	Intake Source Name	Receiving Waterbody Name	Receiving Water ID#
001	35° 45' 54.664"	-97° 54' 40.734"	Kingfisher	2.1 (one time discharge)	Clear Creek or Municipal	Unnamed tributary to Uncle Johns Creek	OK620910050030_00

The designated uses of Uncle Johns Creek (OK620910050030_00) in the Middle Cimarron River Basin are: Aesthetic, Agriculture, Warm Water Aquatic Community, Fish Consumption & Primary Body Contact Recreation.

Uncle Johns Creek will be hydrostatically tested as one segment, prior to tie in with the Mainline Pipeline System, with a one time discharge of 52,846 gallons at 2.1 MGD. The anticipated duration of the discharge is less than a day. Midship proposes to obtain hydrostatic test water from surface water in the project area (specifically Clear Creek approximately 0.5 miles north of milepost CH9.4) or municipal water if surface water is not available.

All water entering the system will be filtered to remove 99 percent of all particles that are 92 microns or larger. Filtering may be accomplished by backflushing or by using a cartridge with an adequate mesh screen. Test water will be free of silt, trash, or any substance that might be detrimental to the pipeline system. No additional pollutants, other than those that previously occur within the surface water are anticipated upon discharge. No chemical or biological treatment will be applied if surface water is used for this hydrostatic test.

Hydrostatic test water will be discharged in an upland location using approximate best management practices, including discharging through energy dissipaters and a sediment filter. The disposal of sediment obtained via the sediment filter will be by land application in uplands where the dewatering structure will be located. In the event that the intended surface water source is unavailable at the time of testing, Midship will obtain hydrostatic test water from a municipal source. Prior to discharge, Midship will add one of the following chemicals to dechlorinate the hydrostatic test water: sodium bisulfate, sulfur dioxide, sodium thiosulfate pentahydrate, or Vita-D-chlor, or Midship may elect to let the water sit in a frac tank until Total Residual Chlorine permit limits are met. No additional pollutants, other than those that previously occur within the municipal water, are anticipated upon discharge.

Upon neutralization, the hydrostatic test water (either obtained from surface water or municipal source) will be discharged in an upland location using approximate best management practices, including discharging through energy dissipaters and a sediment filter. The disposal of sediment obtained via the sediment filter will be by land application in uplands where the dewatering structure will be located. Sediments will be allowed to dewater within the structure before they are land applied.

The facility provided an estimate of the daily maximum and average concentrations for Outfall 001. The pollutants are listed below:

Pollutants	Max Concentration, mg/l	Average Concentration, mg/l
BOD	<30	<30
Oil & Grease	<15	<15
Flow	2.1 MGD	2.1 MGD
TSS	<100	<100
Ammonia (as N)	<3	<3
pH	6-9	6-9
Temperature (Winter)	14 º C	23ºC
Temperature (Summer)	30 º C	23 º C
TRC (if municipal water is used)	2.0	1.0

IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water;” more commonly known as the “swimmable, fishable” goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered

NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR 122.46(a). An NPDES Application for a Permit to Discharge (Form 1) and Form 2E were received on November 11, 2018. An amendment to the application was received on November 27th and the application was deemed administrative complete on November 28, 2018.

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

A. OVERVIEW of TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITION FOR PERMIT ISSUANCE

Regulations contained in 40 CFR §122.44 NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits, on best professional judgment (BPJ) in the absence of guidelines, and/or requirements pursuant to 40 CFR 122.44(d), whichever are more stringent. Technology-based effluent limitations are established in the proposed draft permit for, TSS, Oil and grease. Water quality-based effluent limitations are established in the proposed draft permit for pH and TRC.

TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

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

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

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

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

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.

B. WATER QUALITY SCREENING

1. General Comments

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 OWQS, as amended (OAC 785:45), and implementation criteria contained in OACs 785:46 and 252:690, promulgated by the OWRB, effective as of Effective May 10, 2016, 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 CPP document where appropriate. ODEQ develops WQBELs following both a 1991 EPA Region 6 approach and the method prescribed in the 1991 EPA Technical Support Document for water Quality-Based Toxics Control, EPA/505/2-90-001 (“TSD”). However, EPA is bound by the State’s WQS, not State guidance, including the OWQSIP, 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 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 wasteload 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 and its associated daily maximum limitations are established in the draft permit for each pollutant requiring such limitations.

The applicant proposes to draw water from Clear Creek or a municipal source and discharge to unnamed tributary that flows to Uncle Johns Creek, therefore intake credits are not authorized for in-situ waterbody conditions for TSS.

3. Reasonable Potential-Calculations

a. pH

The daily minimum and daily maximum permit limits of 6.0 standard units to 9.0 standard units on hydrostatic test permits are developed by other EPA Regions and States. OAC 785:45-5-12(f)(3) states, "pH values shall be between 6.5 and 9.0 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 is more stringent than the technology-based daily minimum pH limit of 6.0 standard units. As a result, the Oklahoma Water Quality Based limits of 6.5 standard units to 9.0 standard units are established in the proposed permit.

b. 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. Public and Private Water Supplies (OAC 785:45-5-10)

Test water being discharged from hydrostatic testing should not contain substances listed in Raw Water Numerical Criteria (785:45-5-10(1)) 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.

3. Emergency Public and Private Water Supplies (OAC 785:45-5-11)

(a) During emergencies, those waters designated Emergency Public and Private Water Supplies may be put to use.
(b) Each emergency will be handled on a case-by-case basis, and be thoroughly evaluated by the appropriate State agencies and/or local health authorities.

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.
Warm Water Aquatic Community means a subcategory of the beneficial use category "Fish and Wildlife Propagation" where the water quality and habitat are adequate to support climax fish communities. (OAC 785:45-5-12(c).

5. Agriculture/Livestock (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 fill water.

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

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

e. Total Residual Chlorine

In the event that the facility is unable to obtain water from the intended surface water source and uses municipal water as their supply, TRC limits shall apply to Outfall 001. TRC shall be limited to 0.019 mg/L which is EPA's acute criteria for chlorine, when facility uses treatment chemicals and municipal water is used. The ODEQ does not have a TRC standard. The effluent shall contain NO MEASURABLE total residual chlorine (TRC) 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.

C. 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 limits 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 & 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.

D. 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 outfall 001, monitoring for flow, TSS, Oil & Grease and pH shall be daily by grab sample, when discharging. TRC shall be monitored daily by instantaneous grab sample.

E. WHOLE EFFLUENT TOXICITY TESTING

Biomonioring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. 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 indicated that it may add water treatment chemicals (sodium biosulfate, sulfur dioxide, sodium thiosulfate pentahydrate, or Vita-D-Chlor,as stated in the application) for discharges using municipal water supply. Because the facility may use water treatment chemicals, EPA concludes that the discharge may have the potential to display toxicity. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. As a result, biomonitoring requirements are established at Outfall 001.

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* ($Q_{e(30)}/Q_{u(7Q2)}$) as follows:

- Where Q* < 0.054, acute testing only will be required.
- Where Q* > 0.33, chronic testing only will be required.
- Where $0.054 \leq Q^* \leq 0.33$, both acute and chronic testing will be required.

For the Outfall 001,

Upstream 7Q2 flow rate Q(u)(7Q2) = 1.0 cfs (default for streams without data)
High thirty day average flow rate is Q(e)(30) = 3.25 cfs

$Q^* = (Q_{e(30)}/Q_{u(7Q2)})$

3.25cfs/1.0cfs = 3.25 cfs

Since Q* > 0.33, chronic testing only will be required for Outfall 001 above, 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.

Outfall 001

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 back 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.

Since the facility is a new discharger, there is no WET data; as a result, EPA will not perform reasonable potential analysis.

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 to unnamed tributary to Uncle Johns Creek, Oklahoma Segment OK620910050030_00 in the Middle Cimarron River Basin. Discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING	MONITORING REQUIREMENTS	
Whole Effluent Toxicity Testing (7-Day Chronic Static Renewal NOEC) (*1)	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE (*2)
Ceriodaphnia dubia	Report	Once/Quarter (*3)	Composite
Pimephales promelas	Report	Once/Quarter (*3)	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.
*3 Biomonitoring shall apply when the facility uses water treatment chemicals and when discharge occurs.

F. FINAL EFFLUENT LIMITATIONS

See the draft permit for limitations.

VI. FACILITY OPERATIONAL PRACTICES

A. WASTE WATER POLLUTION PREVENTION REQUIREMENTS

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

B. OPERATION AND REPORTING

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

Electronic Reporting Rule

Discharge Monitoring Report (DMR) results shall be electronically reported to EPA per 40 CFR 127.16. To submit electronically, access the NetDMR website at https://netdmr.epa.gov. Until approved for Net DMR, the permittee shall request temporary or emergency waivers from electronic reporting. To obtain the waiver, please contact: U.S. EPA - Region 6, Water Enforcement Branch, (6EN-WC), (214) 665-8058. If paper reporting is granted temporarily, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and copies to NMED as required (See Part III.D.IV of the permit). Reports shall be submitted monthly.

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 is able to 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.

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

According to the 2016 edition of the 303(d) lists of impaired waters, the receiving stream for Outfall 001, unnamed tributary to Uncle Johns Creek, Oklahoma Segment OK620910050030_00 in the Middle Cimarron River Basin is listed as impaired for primary body contact recreation due to Enterococcus & E. Coli. Based on the above impairment cause, the facility is not anticipated to discharge bacteria. Hence, no additional requirements beyond the previously described technology-based or water quality-based effluent limitations and monitoring requirements, are established in the draft permit.

VIII. ANTIDEGRADATION

The OWRB- OWQS, antidegradation policy, OAC 785:46, Subchapter 13, 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 antidegradation restrictions listed in Appendix A of the OWQS for the various respective receiving stream to which the facility discharges. As a result, no further protection beyond the Tier1 level (maintenance and protection of designated uses, as herein described).

IX. ANTIBACKSLIDING

The proposed permit is a first-time issuance.

X. 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.

Consultation with the USFWS has concluded. The USFWS issued a letter and email of concurrence regarding potential impacts on federally listed species on October 16, 2018, a biological opinion regarding approval of the proposed Oil and Gas Industry Conservation Plan for the American Burying Beetle, signed and dated on May 21, 2014, an email approving Midship's Individual Project Plan under the ICP on October 16, 2018 and an Incidental Take Permit for the American Buying Beetle under the ICP on September 21, 2018.

XI. HISTORICAL AND ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

In a cover letter dated November 1, 2018, the permittee stated that consultation with the Oklahoma State Historic Preservation Office and the Oklahoma Archeological Survey was ongoing. EPA will not finalize the permit until consultation is completed and concurrence letters are received.

XII. PERMIT REOPENER

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

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. COMPLIANCE HISTORY

This is a first-time permit issuance.

XV. 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.

XVI. FINAL DETERMINATION

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

XVII. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION

NPDES Application for Permit to Discharge, Form 1 & 2E, dated November 1, 2018, and received on November 12, 2018. A revised Form 2E was received on November 27, 2018. Application was deemed administratively complete on November 28, 2018.

B. REFERENCES

"Implementation of the Oklahoma Water Quality Standards," Oklahoma Water Resources Board, Title 785, Chapter 46, https://www.epa.gov/sites/production/files/2014-12/documents/okwqs_chapter46.pdf effective as of July 1, 2013.

Implementation of Oklahoma Water Quality Standards in Permits, OAC 252:690, effective September 15, 2017, http://www.deq.state.ok.us/rules/690.pdf

Oklahoma Water Quality Standards, (Title 785, Chapter 45) promulgated by the Oklahoma Water Resources Board including all amendments which are effective as of effective May 10, 2016. https://www.epa.gov/wqs-tech/water-quality-standards-regulations-oklahoma

http://www.fws.gov/southwest/es/EndangeredSpecies/lists/ListSpecies.cfm

C. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

D. MISCELLANEOUS CORRESPONDENCE

Letter from Brent Larsen, EPA, to Ms. Catherine Mayhew, Midship Pipeline Project dated November 28, 2018, informing applicant that its' NPDES application received November 11, 2018 is administratively complete.

E-mails from Allison Cornel, TRC Solutions to Nichole Young, EPA, dated 12/4/2018, on additional facility information.

Email from Michael Daniel, EPA to Nichole Young, EPA, dated 12/7/2018, on critical condition information.