NPDES PERMIT NO. TX0133992
FACT SHEET

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

APPLICANT

DCP Midstream, Eagle Gas Plant
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ISSUING OFFICE

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DATE PREPARED

January 30, 2019

PERMIT ACTION

Renewal of a permit previously issued on February 13, 2014, with an effective date of April 1, 2014, and an expiration date of March 31, 2019.

RECEIVING WATER – BASIN

Unnamed drainage ditch, thence to Sutherlands Creek, thence to Brushy Creek which discharges into Sandy Creek, then to Lake Texana, Segment 1604C of the Lavaca River Basin.

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

Changes from the permit originally issued on February 13, 2014, with an effective date of April 1, 2014, and an expiration date of March 31, 2019, are as follow:

- TSS limitation has been established.
- Monitoring of chloride has been added.
- WET monitoring has been removed.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility is located at 3048 CR 282, Edna, Texas; County of Jackson. Outfall 001 coordination is Latitude 29° 8' 6.45" North and Longitude 96° 39' 30.45" West.

Under the SIC code 1321, the plant processes field gas from oil and gas wells by removing condensed liquids, water vapor, hydrogen sulfide, and natural gas liquids. Saleable products include methane, natural gas liquids, and condensate. Wastewater discharge consists of concentrate/backflush water (6,000 gpd on average), generated from reverse osmosis (RO) unit, and stormwater. The source water of the RO unit is from an onsite water well. Groundwater is passed through a water softening exchange bed, using cation exchange resin, to remove hardness before it goes to the RO unit. The spent/waste resin is hauled to a solid waste landfill for disposal. No treatment/maintenance chemical or biocide is added into the RO unit. The concentrate flow is likely to be a few hours per day. The concentrate comingled with stormwater is held in an on-site storm water detention pond. The discharge from this pond via Outfall 001 is authorized in this permit. The discharge is intermittent and occurs when the pond is full.

The facility discharges into an unnamed drainage ditch, 2.8 miles upstream from Sutherlands Creek, an intermittent stream. It then goes into Brushy Creek, Sandy Creek (Segment 1604C) and to Lake Texana (Segment 1604) of the Lavaca River Basin. This is an intermittent waterbody that does not enter any perennial water bodies within three miles. A vicinity map of the facility is attached.

III. EFFLUENT CHARACTERISTICS

Submitted application in form 2C shows as follow:

	Outfall 001*
Parameter	*Max. Daily Value (mg/l)*
BOD	4.8
COD	< 20
TOC	8.11
TSS	40
Ammonia (as N)	NA
Discharge Flow	0.432 MGD
Ph range	6.9 – 8.59 s.u.
O&G	9.17
Phosphorus (as P)	0.402
Sulfate, as SO_4	7.56
Sulfite, as S	0.8
Barium, Total	0.108

Iron, Total	0.76
Magnesium, Total	4.79
Manganese, Total	0.048
Arsenic	0.001
Cadmium, Total	0.0001
Chromium, Total	0.001
Copper, Total	0.0022
Lead, Total	0.0008
Mercury, Total	< 0.0002
Nickel, Total	0.002
Selenium, Total	< 0.0004
Silver, Total	< 0.0002
Zinc, Total	0.029
Cyanide, Total	< 0.002
Phenols, Total	< 0.0058
Benzene	< 0.001

* First time data are available since original permit issuance

Submitted DMRs showed no exceedance during the last permit term at Outfall 001.

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 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.

It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

V. DRAFT PERMIT RATIONALE AND CONDITIONS

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

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, or the previous permit.

Technology-based effluent limitations are established in the draft permit for TSS. Water quality-based effluent limitations are established in the 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

Since there is no published ELG for this type of activity, final effluent limitation is based on BPJ mentioned above. The facility discharges RO reject water and does not use any water treatment chemical or biocide. BOD_5 and/or COD are not necessary due to the discharge data and nature of the RO water treatment. TSS concentrations (20 mg/l for 30-day average and 30 mg/l for daily maxima) are now limited in the draft permit due to TSS detection at 40 mg/l at the outfall. EPA establishes the TSS limits consistent with similar water treatment facilities in Region 6; these permitted facilities are posted at https://www.env.nm.gov/surface-water-quality/npdes-permits/ . Since these are technology-based limitations, there is no compliance schedule provided to meet these limits; compliance is required on the permit effective date. Samples for TSS can be collected either at concentrate/backflush water (before comingled with stormwater) or at Outfall 001.

Stormwater has been identified by the permittee as a component of the discharge through Outfall 001. A requirement to develop a Stormwater Pollution Prevention Plan (SWP3) was in the previous permit. EPA continues requiring the SWP3 is maintained and revised (if necessary). It is proposed that the facility conduct an annual inspection of the facility to identify areas contributing to the storm water discharge and identify potential sources of pollution which may affect the quality of storm water discharges from the facility. The draft permit requires the permittee to develop a site map. The site map shall include all areas where storm water may contact potential pollutants or substances which can cause pollution. It is also proposed that all spilled product and other spilled wastes be immediately cleaned up and properly disposed. The permit prohibits the use of any detergents, surfactants or other chemicals from being used to clean up spilled product. Additionally, the permit requires all waste fuel, lubricants, coolants, solvents or other fluids used in the repair or maintenance of vehicles or equipment be recycled or contained for proper disposal. All diked areas surrounding storage tank(s) or stormwater collection

basin(s) shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. The permittee shall amend the SWP3 whenever there is a change in the facility or change in operation of the facility.

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 2018 Texas Surface Water Quality Standards, Texas Administrative Code (TAC), 30 TAC Sections 307.1 - 307.10, which EPA partially approved on November 2, 2018. The designated uses of the receiving water (Segment 1604) are primary contact recreation, high aquatic life, and public 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, and the 99th percentile confidence level is for the remainder of cases. 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 lowest of the calculated LTA; acute, chronic and/or human health, is used to calculate the daily average and daily maximum permit limits.

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. Further, if the discharge reaches a perennial stream or an intermittent stream with perennial pools within three-miles, chronic toxicity criteria apply at that confluence.

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 the water segment pursuant to 30 TAC 307.10.

b. Aesthetic parameters

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.

The following narrative limitations in the proposed permit represent protection of water quality for Outfall 001: "The effluent shall contain no visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse."

c. 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 critical low flow, site specific 7Q2 for the receiving stream is 0.01 cfs at USGS Gage 08177300. The discharge is to an intermittent water body that does not enter any perennial water bodies within 3 miles. Acute toxic criteria apply at the point of discharge; human health criteria do not apply. TCEQ'S TEXTOX Menu 1 is appropriate for evaluating this discharge.

The reasonable potential calculations were performed based on data obtained from the permit application. Segment (1604) specific values for pH, TSS, total hardness, TDS, chloride, and sulphate values were obtained from table D-16 of the IP. These values were also used in the menu to calculate reasonable potential. No submitted effluent parameter is equal or greater than 70% of the calculated daily average limits (see attached TEXTOX Menu 1 for detail). No toxic monitoring is required.

d. TDS, Chloride (Cl) and Sulfate (SO_4)

TDS is screened using method for "intermittent stream" specified in Figure 7 (page 186) in the IP stream as follow:

$$Ctds = \frac{Cc * 2{,}500\ mg/l}{500\ mg/l} = 2{,}500\ mg/l$$

C_C = segment (1604) TDS criterion (mg/l) = 500
C_{SV} = 2,500 mg/l because C_{TDS} = 2,500 mg/l
C_E = effluent TDS concentration (mg/l) = 640 (maximum DMR value)

Since $C_E < C_{SV}$, TDS limit is not required in the draft permit. TDS monitoring[1] at the outfall is still required monthly when discharge occurs. Collected data will be re-evaluated in the next permit renewal.

[1] Due to potential high level of TDS in the concentrate/backflush water generated from RO unit.

Similarly, sulfate and chloride concentrations are also screened (due to WET removal below) using Equation 1b found on page 177 of the IP as follows:

$$Cl\ or\ SO4\ Csv = \frac{TDS\ Csv}{TDS\ criterion}\ x\ Cl\ or\ SO4\ criterion$$

Where:
TDS C_{SV} = 2,500 mg/L (see above), TDS criterion = 500 mg/L

	Cl criterion (100 mg/l)	SO_4 criterion (50 mg/l)
Calculated C_{SV}, mg/l	500	250
Effluent concentration, mg/l	Not available	7.56

Sulfate limit is not required because effluent concentration is less than its screening value. EPA proposed monitoring for chloride once per permit term for next evaluation.

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. pH has to be analyzed within 15 minutes after sample is collected.

Parameter	Frequency at Outfall 001	Sample Type
Flow	Continuous/Daily*	Measured
pH	Monthly*	Instantaneous Grab (analyzed within 15 minutes)
TSS	Monthly*	Grab**
Chloride	Once/permit term	Grab
TDS	Monthly*	Grab

* When discharge occurs.
** Collected either at concentrate/backflush water (before comingled with stormwater) or at Outfall 001.

E. WHOLE EFFLUENT TOXICITY

DMR shows submitted WET (when discharge occurred) test results passed during the permit term. Previously the required WET test was a 48-hour acute testing using the Daphnia pulex and Pimephales promelas with 100% CD. After reviewing the TDS analysis, nature of this RO treatment unit and no chemical specific limitation in the draft permit, EPA does not propose any biomonitoring for Outfall 001. This permit condition removal does not violate the Antibacksliding mentioned below because the WET test results, TDS discharge data and/or information about the water softening for the RO unit were not available back then.

VI. TMDL REQUIREMENTS

The receiving stream, water segment 1604C, is not listed in 2014 Texas 303(d) List, which EPA approved on November 19, 2015. No additional requirements beyond the already proposed technology-based and/or water-quality based requirements are needed in the draft permit.

VII. 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 draft 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 draft permit.

IX. ANTIBACKSLIDING

The draft 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.

VIII. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://www.fws.gov/southwest/es/ES_Lists_Main.cfm, there are two threatened (T)/endangered (E) species, listed in the previous permit with determination of "no effect": Whooping Crane, West Indian Manatee. Since then, there have been additional birds: Attwater's greater prairie-chicken (E) and Red knot (T).

According to Attwater's Prairie-Chicken Recovery Plan, 2nd revision approved on March 7, 2010, the habitat requirements are "Optimum prairie chicken range apparently consists of well-drained grassland supporting some weeds or shrubs as well as grasses, the cover varying in density from light to heavy; and with supplies of surface water available in summer. In short, diversification within the grassland type is essential." Primary factors to the population declines are habitat destruction and degradation, and to a lesser extent overharvesting. Other factors are genetic isolation, diseases and parasites.

There has been no recovery plan for the red knot. Per Federal Register on December 11, 2014 (79 FR 73705 73748), habitat losses for the species include climate change, development and other causes (e.g., ocean acidification; warming coastal waters; marine diseases, parasites, and invasive species; sediment placement; recreation; and fisheries).

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. There is no information indicating the additional species are affected directly from the discharge. After review, EPA has determined that the reissuance of this permit 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. Submitted data shows no pollutants at levels which might affect species habitats. Issuance of this permit is found to have no impact on the habitats of the species.

2. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.

3. The draft permit is consistent with the States WQS and does not increase pollutant loadings.

4. EPA determines that Items 1, thru 3 result in no change to the environmental baseline established by the previous permit, therefore, EPA concludes that reissuance of this permit will have “no effect” on listed species and designated critical habitat.

IX. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

X. 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.

XI. VARIANCE REQUESTS

None

XII. 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.

XIII. FINAL DETERMINATION

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

XIV. ADMINISTRATIVE RECORD

The following information was used to develop the draft permit:

A. APPLICATION

NPDES Application for Permit to Discharge, Form 1 & 2C dated September 4, 2018.

B. State of Texas References

2014 Texas Integrated Report - Texas 303(d) List

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10, EPA partially approved November 2, 2018.

"Procedures to Implement the Texas Surface Water Quality Standards via Permitting," Texas Commission on Environmental Quality, June 2010.

C. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

D. MISCELLANEOUS

Permittee’s emails dated December 11 and 12, 2018