NPDES PERMIT NO. TX0030279
FACT SHEET

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

APPLICANT:

ETC TX Processing, LTD
King Ranch Gas Plant
1300 Main
Houston, TX 77002

ISSUING OFFICE:

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Region 6
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DATE PREPARED:

February 12, 2020

PERMIT ACTION:

It is proposed that the facility be reissued an 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 January 3, 2020.

RECEIVING WATER – BASIN

Escondido Creek, then to Borregos Lake, Waterbody Segment 2492 of Baffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada of the Bays and Estuaries.

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
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)
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. PROPOSED CHANGES FROM PREVIOUS PERMIT

1. Change BOD loading limitations based on new discharge flow data; and
2. Add a narrative condition to prevent from using cooling tower maintenance chemicals that contain the 126 priority pollutants.

II. APPLICANT LOCATION and ACTIVITY

Under the SIC Code 1321, the applicant operates a natural gas liquid plant.

As described in the application, the facility is located 14 miles from Kingsville, west on Highway 141, Kingsville in Kleburg County, Texas. Wastewater discharges from the facility flows into an unnamed ditch, to Escondido Creek, then to Borregos Lake, waterbody Segment 2492 of Baffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada of the Bays and Estuaries.

Discharges are located on that water at:

Outfall 001: Latitude 27º 28’ 24”N; Longitude 98º 03’ 21”W

III. PROCESS AND DISCHARGE DESCRIPTION

The applicant stated that the facility has not made changes to its operation in the 2020 Application. The plant receives raw field gas from several production sources. Raw field gas goes through inlet separation for liquid removal. A portion of the gas is compressed, dehydrated and further processed. The recovered gas is sold, used for gas lift, or used for fuel. The produced liquids go through fractionation where additional natural gas are recovered and sent to sales.

The noncontact cooling water from each cooling tower is comingled and pumped to a Vibratory Shear Enhanced Process (VSEP) which is a batch reverse osmosis process that removes free chlorine, chromium, copper, and selenium from the water prior to being routed to the drainage ditch within the plant. Discharges from the facility are from cooling tower blowdown, reverse osmosis reject water, and stormwater. These discharges enter the plant drainage system and is routed to the skimmer pit prior to surface discharge. At the skimmer pit, the water is treated with sulfuric acid for pH control. The pit allows for temporary retention/settling of the effluent and affords an opportunity to skim oil from the surface, if needed. The VSEP reject stream is routed to the plant’s saltwater disposal system for subsurface injection. Analytical sample results submitted in the Application are summarized below:

Parameter	Max. Daily Value (mg/l)	Average Daily Value (mg/l)
Discharge Flow	0.000206 MGD (Monthly Max)	0.000134 MGD (Monthly Avg)
pH range		7.08 to 8.47 s.u.
BOD	38.8	6.85
TSS	11	11
Oil & Grease	1.5	1.5
Ammonia (as N)	0.14	0.14
TRC	Not-detected	Not-detected
COD	26	26
TOC	8.1	8.1

Parameter	Max. Daily Value (mg/l)	Average Daily Value (mg/l)
Note: Flow are based on 2017-2019 data pH and BOD are based on 2019 data		

IV. REGULATORY AUTHORITY

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.

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 BOD5. Water quality-based effluent limitations are established in the proposed draft permit for pH and TRC.

B. REASON FOR PERMIT ISSUANCE

It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR 122.46(a). This is a renewal of an existing permit. An NPDES Application for a Permit to Discharge (Form 1 & 2E) was received on January 14, 2020 and was deemed administratively complete on January 24, 2020. Additional monitoring information was received via email on January 28, 2020.

C. 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.

There are no published ELG's for this type of activity. Final effluent requirements are based on Technology requirements in the previous permit and are based on Best Available Technology Economically Achievable (BAT) and/or TCEQ water quality standards for Segment No. 2492. Limitations of concentration for Biochemical Oxygen Demand (BOD_5) are proposed to remain in the permit. This is consistent with both EPA and TCEQ permits for similar facilities and is also consistent with 40 CFR 122.45(f). The proposed limitation for BOD5 is 30 mg/l maximum and 20 mg/l average. The effluent loadings, lbs/day, were recalculated using the treatment facility's maximum monthly average flow of 0.000206 MGD reported in the application, the respective concentrations (mg/l), and the conversion factor of 8.34.

Loading, lbs/day = Flow (MGD) * 8.34 lb/gal * 30 mg/l

Daily Max. (lbs/day) = 0.000206 MGD * 8.34 lb/day * 30 mg/l = 0.052 lbs/day

Daily Avg. = 0.000206 MGD * 8.34 lb/day * 20 mg/l = 0.034 lbs/day

Stormwater has been identified by the permittee as a component of the discharge through Outfall No. 001. A requirement to develop a Stormwater Pollution Prevention Plan (SWP3) is continued in the permit. 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 tanks or stormwater collection basins 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.

D. 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 2014 EPA-approved Texas Water Quality Standards, Texas Administrative Code (TAC), 30 TAC Sections 307.1 - 307.9, effective March 1, 2018.

The designated uses of Segment 2492 are primary contact recreation, high aquatic life, and oyster waters.

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

Information obtained from the application indicates that the pH of the discharges from boiler blowdown, reverse osmosis reject water, and stormwater are adjusted and controlled with sulfuric acids. Wastewater discharges from the facility flows into an unnamed ditch, to Escondido Creek, then to Borregos Lake, waterbody Segment 2492 of Baffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada. Since the immediate receiving is an intermittent stream, and there is no mixing established for this discharge. Therefore, the limitation of pH in the

discharge shall be limited to the standards for waterbody Segment 2492, Baffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada to the range 6.5 to 9.0 su's.

b. Narrative Limitations

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 draft 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."

Monitoring shall continue to be conducted weekly using, using the visual sheen method.

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.

Outfall 001 discharges to a ditch 2 miles upstream from Borregos Lake on Escondido Creek, an intermittent water body. Escondido Creek is a tributary of Santa Gertrudis Creek which flows into San Fernando Creek/Cayo Del Grullo, TCEQ Segment 2492. TEXTOC menu 8 (Discharge is to an intermittent water body within 3 miles of a lake or a water body that acts like a lake.) could be used to calculate reasonable potential for toxics criteria using the following information: mixing zone = 15%, Zone of initial dilution = 60 %; & human health = 8%. USGS Gage 08210300, Ramirena Creek, would be used as a reference gage for determination of critical flows to calculate reasonable potential (RP).

Because Application Form 2E was submitted and limited analytic results were available for reasonable potential (RP) screening. To address potential contribution of toxic constituents from cooling tower treatment fluids, EPA propose to add a narrative permit condition to prevent usage of cooling tower maintenance chemicals which contain priority pollutants. EPA has established a similar narrative limitation shown as below to cooling water systems in Region 6.

If cooling tower maintenance chemicals are required, the permittee must not use chemicals that contain the 126 priority pollutants (listed at 40CFR423, Appendix A). The use of chemical additives which may contain any of the 126 priority pollutants or may adversely impact aquatic lives is not authorized unless approval is obtained and limitations are established on a case-by-case basis.

Sample results reported in the application show that Total Residual Chlorine (TRC) is undetected in discharges through Outfall 001. But, TRC is likely present in the discharge if the discharge is not properly de-chlorinated. EPA 6 takes an approach to impose TRC limit to cooling tower

blowdown discharges. 19µg/L is EPA's acute chlorine criteria and 11µg/L is EPA's chronic chlorine criteria. Limits must be protective of WQS per 40 CFR 122.4(d) and 122.44(d). Since the acute conditions do not allow dilution; the limit must be met at end-of-pipe but chronic standards do allow dilution, the permit shall use the most stringent WQS for the permit limit.

Because discharge is to an intermittent waterbody where no upstream flow could be used for dilution purposes and discharge is within 3 miles of a lake, chronic criterion applies. As a result, TRC limit is 11µg/L which is EPA's chronic chlorine criteria. The draft permit shall establish the 11µg/L limit. But, because EPA approved 40 CFR Methods are not sensitive enough to detect 11µg/L, EPA has established a minimum quantification level (MQL) for TRC at 33µg/l. Values less than 33µg/L can be reported as zero, or no measurable. A "No Measurable" TRC limit is established in the permit. "No Measurable" will be defined as no quantifiable level of TRC as determined by any approved method established in 40 CFR 136 that is greater than the established MQL. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling.

Solids and Foam

The prohibition of the discharge of floating solids or visible foam in other than trace amount is continued in the draft permit. In addition, there shall be no discharge of visible films of oil, globules of oil, grease or solids in or on the water, or coatings on stream banks.

E. MONITORING FREQUENCY FOR LIMITED 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.

BOD5 and pH shall be monitored twice per month by grab samples. Flow and total residual chlorine shall also be monitored twice per month. Same monitoring frequencies were established in the previous permit.

F. 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. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

The 2015 issued permit requires that discharge to outfall 001 be monitored by a 7-day chronic toxicity test quarterly. The 2015 permit includes monitoring requirements and compliance schedules for WET because effluent data demonstrated reasonable potential.

Based on the nature of the discharge, the nature of the receiving water which is an intermittent water body within 3 miles of a lake or a water body that acts like a lake, and the 100% critical dilution, the TCEQ IP directs the WET test to be a 7-day chronic toxicity testing using *Ceriodaphnia dubia* and *Pimephales promelas.* Monitoring frequency shall be performed quarterly for both the vertebrate and the invertebrate test. Applying the zone of initial dilution, the critical

dilution is 60% and the dilution series are 25%, 34%, 45%, 60%, and 80%. A 7-day chronic No Observed Effect Concentration (NOEC) freshwater criterion applies at the point of discharge.

Because the discharge had demonstrated RP when EPA issued the permit in 2015 and the discharge still demonstrates RP based on 2017-2019 WET testing data, EPA determines to retain WET limits and reporting requirements in this draft permit.

WHOLE EFFLUENT TOXICITY LIMITS (7-Day Chronic Static Renewal/ NOEC) *	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	60	Once/Quarter	24-Hr Composite
Pimephales promelas	60	Once/Quarter	24-Hr Composite

*Compliance with the Whole Effluent Toxicity limitation is required on the effective date of the permit. See Part II of the permit for WET testing requirements and limitation conditions. Grab samples are allowed per method, if needed.

G. SCHEDULES OF COMPLIANCE

Retain the Schedules of Compliance from the 2015 permit.

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 Reports (DMRs) 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.

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

Wastewater discharges from the facility flows into a ditch 2 miles upstream from Borregos Lake on Escondido Creek, an intermittent water body. Escondido Creek is a tributary of Santa Gertrudis Creek which flows into San Fernando Creek/Cayo Del Grullo, TCEQ Segment 2492. The waterbody segment from the Cayo Del Grullo confluence in Kleberg County upstream to the confluence with Chiltipin Creek and San Diego Creek in Jim Wells County is listed as impaired for bacteria (Category 5c) on the Texas 2018 Clean Water Act Section 303(d) List, approved by EPA. Category 5c implies that additional data or information will be collected and/or evaluated for one or more parameters before a management strategy is selected.. The facility does not discharge bacteria. If the waterbody is listed at a later date for additional pollutants, and a total maximum discharge loading determined for the segment, the standard reopener clause would allow the permit to be revised and additional pollutants and/or limits added. No additional

requirements beyond the already proposed technology-based and/or water-quality based requirements are needed in the proposed permit.

VIII. ANTIDEGRADATION

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

IX. ANTIBACKSLIDING

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

X. ENDANGERED SPECIES

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, at https://ecos.fws.gov/ecp0/reports/species-by-current-range-county?fips=48273, fifteen species in Kleburg County are listed as Endangered or Threatened. The listed endangered species are whooping crane, northern aplomado falcon, south Texas ambrosia, black lace cactus, slender rush-pea, Gulf Coast Jaguarundi, ocelot, hawksbill sea turtle, Kemp's ridley sea turtle, and leatherback sea turtle. The threatened species are piping plover, red knot, west Indian Manatee, green sea turtle, and loggerhead sea turtle.

In the Procedures to Implement the Texas Surface Water Quality Standards dated 2010, Texas has only listed piping plover in Kleburg County. Piping Plovers nest on sandy beaches along the Atlantic Coast from Canada to North Carolina, along the shores of the Great Lakes, and on river sandbars and shorelines of inland lakes in the northern Great Plains. They spend the winter along the southern Atlantic Coast and Gulf Coast from Florida to Mexico. Wintering Piping Plovers in Texas feed on tidal mudflats or sandflats. Plovers often run short distances, pausing to stare at the sand with a slightly tilted head, before picking a food item from the sand. When not feeding, plovers rest and preen.

Piping Plovers have declined because the beaches and lake shores where they nest and spend the winter have changed due to recreational, residential, and commercial development. Beach traffic along the Texas coast, including vehicles and ATV's, disturb birds and degrade habitat. Pets allowed to run loose can also cause problems for the birds.

The permit renewal reflected here does not authorize any construction or recreational, residential, and commercial development, nor will cause increases of traffic along the coastal. Also, the very

small amount of flow (between 0.0001 and 0.0002 MGD which is about 100-200 GPD) is unlikely to contribute significant amounts of pollutants to the coastal water after 20 miles of travelling to Cayo Del Grullo ("Estuarine and Marine Deepwater habitat") of the Baffin Bay System. EPA is unaware of any reasonably potential impacts of federally listed endangered or threatened species caused by this discharge. The permit has established the limitations and conditions which EPA believes are adequate to protect the listed species for Kleburg County.

EPA has determined that the reissuance of this permit will not likely to affect any plant species, bird species or marine species. Therefore, EPA determines that this permitting action will have "*no effect*" on listed threatened and endangered species nor will adversely modify designated critical habitat.

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

XI. HISTORICAL AND ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological preservation. The facility has consulted with the local historical and archeological preservation office and has concluded that its construction activities will not have any impact on historical and archeological preservation

XII. PERMIT REOPENER

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

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. CERTIFICATION

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

XV. FINAL DETERMINATION

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

XVI. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION

NPDES Application for Permit to Discharge, Form 1 & 2E, dated January 9, 2020, was received on January 14, 2020. Supplemental information were received via email on January 28, 2020 and February 7, 2020, respectively.

B. State of Texas References

Second Submission of the 2018 Texas Integrated Report for the Clean Water Act Sections 305(b) and 303(d), September 27, 2019. EPA approved on December 23, 2019.

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

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.9, effective March 1, 2018.

https://ecos.fws.gov/ecp0/reports/species-by-current-range-county?fips=48273

C. 40 CFR CITATIONS

Sections 122, 124, 125, 133, and 136

D. MISCELLANEOUS CORRESPONDENCE

Letter from Dorothy Brown, EPA, to Mr. Nathan Miller, Exxon Mobil dated February 11, 2015, informing applicant that its NPDES application received April 24, 2014, is administratively complete.

Letter from Dorothy Brown, EPA, to Mr. Shelby Pennington, Exxon Mobil, dated August 11, 2014, informing applicant that its NPDES application received April 24, 2014, is administratively incomplete.

Email from Robert Kirkland, EPA, to Maria Okpala, EPA, dated August 6, 2014, on critical conditions information.