



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

August 2000

Austin Engineering
Kerry Keller
6304 Bee Caves Rd
Austin, Tx 78746-

NPDES TXR001156 Postmark: 11/25/1996 Terminated:
Latitude 302515 Longitude 975127
Facility SENDERA SECTION 11B
2500 LF E/MOPAC ON DAVIS LN
Name AUSTIN TX 78749-
Phone KERRY KELLER
(512) Was permit Coverage Granted: N

Dear Operator:

The facility listed above applied to be covered under the Environmental Protection Agency's (EPA) 1995 National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit (MSGP) or else applied for the "No Exposure" exclusion from permitting. The MSGP is scheduled to expire on September 29, 2000.

On September 14, 1999, EPA authorized the State of Texas, through the Texas Natural Resource Conservation Commission (TNRCC), to administer most of the NPDES permitting program.* The TNRCC will become the NPDES permitting authority for storm water discharges associated with industrial activity (other than construction activity) after expiration of the MSGP on September 29, 2000. The TNRCC will be issuing the replacement permit for your expiring permit authorization under the MSGP, so you should apply to TNRCC, not to EPA, for permit authorization for your storm water discharges (see contact information below).

As described in the recent NPDES Phase II storm water regulations (published in the Federal Register on December 8, 1999), all currently permitted storm water discharges associated with industrial activity may now be eligible for exclusion from EPA issued permitting requirements, if the operator of such a facility can certify that there is "no exposure" of industrial materials or processes to precipitation or runoff. "No exposure" basically means a facility conducts all of its industrial activities indoors or under cover, or that it stores and uses its industrial materials indoors or under cover. Previously, only those facilities classified as "light industry" (i.e., identified in federal regulations at 40 C.F.R. 122.26(b)(xi)) would have been eligible for this exclusion. Guidance is available on making a "no exposure" certification on the Internet at <http://www.epa.gov/earth1r6/6en/w/sw/hottopp2.htm> and at <http://www.epa.gov/owm/sw/phase2/index.htm#nox>. Please pay close attention to these requirements in the "No Exposure" Certification Form. EPA anticipates that most facilities will not be eligible for for this exclusion. If your storm water discharges are not eligible for the exclusion, you are required to obtain a permit for your storm water discharges. Incorrectly or fraudulently filing this certification may lead to serious civil and/or criminal sanctions.

As noted above, EPA will continue administering NPDES industrial (non-construction) storm water general permitting in Texas through September 29, 2000. Eligible facilities may apply for the "no exposure" exclusion from NPDES permit requirements by filling out the No Exposure Certification Form (enclosed). All discharges of storm water associated with industrial activity (including discharges from "light industry") must now either obtain a permit or submit a No Exposure Certification Form to be in compliance with Clean Water Act requirements. By submitting a valid No Exposure Certification Form to EPA, your obligation to comply with the MSGP automatically terminates. You are not required to submit a Notice of Termination form. This "no exposure" exclusion is currently administered by EPA. Upon assumption of the NPDES industrial (non-construction) storm water general permitting after September 29, 2000, the TNRCC will become the NPDES permitting authority. The TNRCC may make available a "no exposure" exemption from the State's industrial storm water permit requirements. If the TNRCC does provide such an exclusion, you will need to apply for and obtain the exclusion through the TNRCC. If the TNRCC does not provide such an exclusion, you will be required to obtain NPDES permit authorization for your storm water discharges even if you have "no exposure" as defined by EPA.

State of Texas Permitting Contact:
Steve Ligon
Texas Natural Resource Conservation Commission
Wastewater Permits Section (MC-148)
P.O. Box 13087
Austin, TX 78711

Internet: http://tnrcc.state.tx.us
Tel: 512.239.4433
Email: sligon@tnrcc.state.tx.us

Sincerely yours,

[Handwritten signature of Robert V. Murphy]

Robert V. Murphy
Water Enforcement Branch

Enclosures (4)
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*EPA, not the TNRCC, administers the NPDES permitting program for discharges subject to the jurisdiction of the Texas Railroad Commission and for discharges in Indian Country. EPA remains the NPDES permitting authority for these discharges.