

Federal Register

Tuesday
September 21, 1993

Part III

Environmental Protection Agency

**Final National Pollutant Discharge
Elimination System General Permits for
the Coastal Waters of Louisiana; Notice**

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4732-4]

Final NPDES General Permits for the Coastal Waters of Louisiana (LAG330000) and Texas (TXG330000)

AGENCY: Environmental Protection Agency.

ACTION: Issuance of Final NPDES Permits.

SUMMARY: Region 6 of the Environmental Protection Agency (EPA) today issues final NPDES General Permits for oil and gas facilities engaged in field exploration, drilling, well completion and treatment operations and production activities in the Coastal Subcategory of the Oil and Gas Extraction Point Source Category in the States of Louisiana and Texas. Produced water and produced sand discharges are not authorized by these general permits but will be regulated under separate general coastal permits.

These general permits prohibit the discharge of drilling fluids and drill cuttings. The general permits also place limits on oil and grease, total suspended solids, chemical oxygen demand, chlorides, total chromium, zinc, pH and "no free oil" in treated waste water from dewatering activities and prohibit discharge of formation test fluids to rivers, lakes, streams, freshwater wetlands and intermediate wetlands. These permits are consistent with EPA guidelines at 40 CFR part 435, subpart D and water quality-based criteria of the Louisiana Department of Environmental Quality and the Texas Railroad and Water Commissions.

DATES: These permits will become effective on October 21, 1993.

ADDRESSES: Notifications required by these permits should be sent to the Water Management Division, Enforcement Branch (6W-EA), EPA Region 6, P.O. Box 50625, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Copies of the response to comments received on the proposed permits can be obtained from Ms. Ellen Caldwell, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202; telephone: (214) 655-7513.

SUPPLEMENTARY INFORMATION: EPA issues these general permits pursuant to its authority under section 402 of the Clean Water Act (CWA), 33 U.S.C. 1342. Except as noted herein, these permits apply to all Region 6 field exploration drilling, well completion, well treatment and production activities, except for the discharge of produced

water and produced sand, from facilities in the Coastal Oil and Gas Point Source Extraction Point Source Category (40 CFR part 435, subpart D). The permits also apply to facilities which would be classified Onshore but for the decision in *American Petroleum Institute v. EPA*, 661 F.2d 340 (5th Cir. 1981). The permits do not apply to facilities in the Offshore Subcategory (40 CFR part 435, subpart A), the Onshore Subcategory (subpart C), the Agricultural and Wildlife Water Use Subcategory (subpart E) or in the Stripper Subcategory (subpart F). These permits do not apply to "new sources" as defined at 40 CFR 122.2, nor to operations which adversely affect properties listed or eligible for listing in the National Register of Historic Places.

EPA Region 6 proposed to issue these permits at 55 FR 23348 (June 7, 1990) and provided additional notice of the proposal in the *New Orleans Times* and the *Houston Post* on June 3, 1990. The comment period was originally scheduled to end on July 23, 1990, but was extended to August 13, 1990. The American Petroleum Institute (API); Amoco Corporation; Conoco Inc.; Exxon Company; U.S.A.; Louisiana Department of Environmental Quality; Louisiana Department of Natural Resources; Louisiana Department of Wildlife and Fisheries; Louisiana Mid-Continent Oil and Gas Association (LMOGA); Kerr-McGee Corporation; Mobil Exploration and Producing U.S. Inc.; Natural Resources Defense Council (NRDC); Sierra Club, Delta Chapter; Project Reef Keeper; Shell Offshore Inc.; U.S. Department of the Interior; and private citizens: C. Baak, R. Cook, R. Ernst, J.A. Freeman, M.T. Gordon, J. Hiytzen, E. Johnson, G. Mitchell, J. Morris, P. Oblak, L. Reitman, F.H. Rudenberg, D. Silver, Spackman, D. Swanson, J. Toigo, M. Valrass submitted comments on EPA's proposal to issue this permit. EPA Region 6 has considered all comments received. In some instances, minor wording changes in the final permit may differ from the proposed permit to clarify some points as a result of comments. These final permits contain no substantive changes from the proposed permits.

State Certification

In accordance with section 401(a)(1), EPA may not issue a NPDES permit until the State in which the discharge will occur grants or waives certification to ensure compliance with appropriate requirements of the Act and State law. The State of Louisiana, after review of the permit, has certified that the Louisiana permit will comply with applicable State water quality standards

or limitations. The State of Texas has waived certification.

The Coastal Zone Management Act

In accordance with section 307(c)(3) of the Coastal Zone Management Act, the Louisiana Coastal Zone Management Division of the Louisiana Department of Natural Resources has reviewed NPDES permit LAG330000 and found its issuance consistent with the Louisiana Coastal Resources Program. The State of Texas has no coastal zone management program.

The Endangered Species Act

The Endangered Species Act and its implementing regulations (5 CFR 402) require that each Federal shall ensure that any agency action, such as permit issuance, will not jeopardize the continued existence of any endangered species or result in the destruction or adverse modification of their critical habitats. The U.S. Fish and Wildlife Service has concurred with Region 6's earlier finding that the issuance of this permit is "not likely to adversely affect any endangered or threatened species nor adversely affect their critical habitat."

The Marine Protection, Research and Sanctuaries Act

The Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 regulates the dumping of all types of materials into ocean waters and establishes a permit program for ocean dumping. In addition, the MPRSA establishes the Marine Sanctuaries Program, implemented by the National Oceanographic and Atmospheric Administration (NOAA), which requires NOAA to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological or aesthetic values. There are presently no existing marine sanctuaries in coastal waters of Louisiana or Texas.

Economic Impact

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12291 pursuant to section 8(b) of that order. The economic and inflationary effects of these regulations (40 CFR part 435) on which these permits are based were evaluated in accordance with Executive Orders 11821 and 12044.

The Paperwork Reduction Act

The information collection required by these permits have been approved by OMB under provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et. seq.

in submissions made for the NPDES permit program and assigned OMB control numbers 2040-0088 (NPDES permit application) and 2040-0004 (discharge monitoring reports). All facilities affected by these permits will need to submit a request for coverage under either the Louisiana or Texas Coastal Waters general permits. EPA estimates that it will take an affected facility three hours to prepare a request for coverage. All affected facilities will be required to submit discharge monitoring reports (DMR's). EPA estimates the DMR burden will be 36 hours per facility per year.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), EPA region 6 certifies that these general permits will not have a significant impact on a substantial number of small entities. This certification is based on the fact that the majority of parties regulated by this permit have greater than 500 employees and are not classified as small business under the Small Business Administration regulations established at 49 FR 5024 *et seq.* (February 9, 1984). These facilities are classified as Major Group 13—Oil and Gas Extraction SIC 1311 Crude Petroleum and Natural Gas. For those operators having fewer than 500 employees this permit will not have significant impact as the effluent limits being imposed in these permits are similar to those being included in state regulations and permits. Moreover, the permits reduce a significant burden of applying for individual permits, on regulated sources.

Dated: September 10, 1993.

Jack Ferguson,
Director, Water Management Division, EPA
Region 6.

General Permit Authorization To Discharge From the Oil and Gas Extraction Point Source Category to Coastal Waters of Louisiana

Permit No. LAG330000

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*; the "Act"), the following discharges are authorized from coastal oil and gas facilities (defined in 40 CFR part 435, subpart D) to receiving waters, described below (encompassing the coastal waters of Louisiana) in accordance with effluent limitations, monitoring requirements and other conditions set forth in parts I, II, III, and IV thereof:

Drilling Fluids,
Drill Cuttings,
Deck Drainage,

Sanitary Wastes,
Domestic Wastes,
Desalinization Unit Discharge,
Diatomaceous Earth Filter Media,
Excess Cement Slurry,
Uncontaminated Ballast/Bilge Water,
Boiler Blowdown,
Blowout Preventer Control Fluid,
Well Treatment Fluids,
Workover Fluids,
Completion Fluids,
Formation Test fluids,
Treated Wastewater from Dewatered Drilling Fluids/Cuttings,
Muds, Cuttings, and Cement at the Seafloor,
Uncontaminated Seawater,
Uncontaminated Freshwater.

This permit authorizes discharges to waters of the United States from Louisiana Coastal Subcategory oil and gas facilities engaged in field exploration, drilling, well completion, and well treatment operations. Produced water, produced sand and source water and sand discharges are excluded from coverage under this general permit, but will however, be regulated under a separate general coastal permit.

For the purpose of this NPDES general permit, Coastal Subcategory facilities means oil and gas facilities associated with a wellhead located in waters of the United States (including wetlands), as defined at 40 CFR 122.2, landward of the inner boundary of the territorial seas and those wells in the geographic area (land and water areas) suspended from the Onshore Subcategory described in 40 CFR part 435, subpart C. The term wetlands means "those surface areas which are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas". Territorial seas refers to "the belt of the seas measured from the line of ordinary low water along that portion of the coast which is direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles." (See Clean Water Act Section 502).

The coastal permit area as described in the regulations is broad by definition and includes all rivers, streams and lakes, bays, estuaries and wetlands that occur inland of the territorial seas. The coastal subcategory also includes the geographic area along the coast of Texas and Louisiana (Chapman line area) which was originally defined as coastal in EPA's 1976 Interim Final Regulations for the onshore subcategory (See Suspension of Regulations, 47 FR

31554, July 21, 1982). A facility is considered to be covered under the proposed general permit if the location of the wellhead is within the described permit area.

This permit does not authorize discharge from "new sources" as defined in 40 CFR 122.2. This permit also does not authorize discharges from oil and gas extraction operations which adversely affect properties listed or eligible for listing in the National Register of Historic Places.

This permit shall become effective on October 21, 1993.

This permit and the authorization to discharge shall expire at midnight, October 21, 1998.

Signed this September 7, 1993.
Myron O. Knudson, P.E.,
Director, Water Management Division, EPA
Region 6.

Part I

Section A. General Permit Coverage

1. Intent to be Covered

Written notification of intent to be covered, including the legal name and address of the operator, the lease (or lease block) number assigned by the Louisiana Minerals Board or, if none, the name commonly assigned to the lease area, and the number and type of facilities located within the lease (or lease block) shall be submitted:

(a) By operators in leases (or lease blocks) that are located within the geographic scope of this permit, within 45 days of the effective date of this permit.

Note: Operators must request coverage under this general permit or have an effective individual permit.

(b) By operators of leases (or lease blocks) obtained subsequent to the effective date of this permit fourteen days prior to the commencement of discharge.

2. Termination of Operations

Lease (or lease block) operators shall notify the Regional Administrator within 60 days after the permanent termination of discharges from their facilities. In addition, lease (or lease block) operators shall notify the Regional Administrator within 30 days of any transfer of ownership.

Section B. NPDES Individual Versus General Permit Applicability

1. The Regional Administrator May Require Application for an Individual NPDES Permit

The Regional Administrator may require any person authorized by this

permit to apply for and obtain an individual NPDES permit when:

- (a) The discharge(s) is a significant contributor of pollution;
- (b) The discharger is not in compliance with the conditions of this permit;
- (c) A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point sources;
- (d) Effluent limitation guidelines are promulgated for point sources covered by this permit;
- (e) A Water Quality Management Plan containing requirements applicable to such point source is approved;
- (f) The point source(s) covered by this permit no longer:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations or operating conditions;
- (4) Require the same or similar monitoring; or
- (5) In the opinion of the Regional Administrator, are more appropriately controlled under an individual permit than under a general permit.

The Regional Administrator may require any operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

2. An Individual NPDES Permit May Be Requested

(a) Any operator authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than December 20, 1993.

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to the owner or operator is automatically terminated on the effective date of the individual permit.

3. General Permit Coverage May Be Requested

A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source after the notification of intent to be covered is filed (see A.1. above).

Part II

Section A. Effluent Limitations and Monitoring Requirements

Specific effluent limitations and monitoring requirements are discussed below. They are organized by the type of discharge in the text, and by discharge type, effluent limitation and monitoring requirements in Table 1.

1. Drilling Fluids

(a) *Applicability.* Permit conditions apply to all drilling fluids (muds) that are discharged, including fluids adhering to cuttings.

(b) *Prohibitions.* This permit prohibits the discharge of all drilling fluids.

2. Drill Cuttings

Special Note: The permit prohibitions and limitations that apply to drilling fluids also apply to drilling fluids that adhere to drill cuttings. Any permit condition that applies to the drilling fluid system, therefore, also applies to cuttings discharges.

(a) *Prohibitions.* This permit prohibits the discharge of drill cuttings.

3. Treated Waste Water From Drilling Fluids/Cuttings, Dewatering Activities and Pit Closure Activities

(a) *Applicability.* Treated waste water from dewatered drill site reserve pits, shale barges, ring levees and inactive/abandoned reserve pits, mud tanks and effluents from solids control systems.

(b) *Limitations. Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once per day, when discharging. The number of days a sheen is detected must be recorded.

(Exception) Treated waste water may be discharged at any time if the operator uses the static sheen method for detecting free oil.

Oil and Grease. Treated waste water must meet a 15 mg/l daily maximum limitation.

Total Suspended Solids. Treated wastewater shall not exceed 50 mg/l daily maximum.

Chemical Oxygen Demand. Treated wastewater shall not exceed 125 mg/l daily maximum.

pH. Discharges of treated wastewater must meet a pH limitation of not less than 6.0 and not greater than 9.0 at the point of discharge.

Chlorides. Treated wastewater shall not exceed a 500 mg/l daily maximum discharge limitation.

Total Chromium. Discharges of treated wastewater shall meet a 0.5 mg/l daily maximum limitation.

Zinc. Treated wastewater shall not exceed 5.0 mg/l daily maximum for zinc.

Monitoring. The monitoring frequency for the above limitations are once per day when discharging. However, if the effluent is batch treated and discharged, the monitoring requirements for all effluent characteristics are once per discharge event by grab sample.

(c) *Other Monitoring Volume.* The volume (bbls) of discharged treated wastewater must be estimated once per day, when discharging. If the effluent is being batch treated and discharged then the estimated volume discharged in barrels must be recorded per discharge event.

4. Deck Drainage

(a) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Monitoring must be accomplished once per day, when discharging during conditions when an observation of a sheen is possible and when the facility is manned. The number of days a sheen is detected must be recorded.

(b) *Other Monitoring Volume.* Once per month, the total monthly volume (bbl) must be estimated.

5. Formation Test Fluid

(a) *Prohibitions.* There shall be no discharge of formation test fluids to lakes, rivers, streams, freshwater wetlands or intermediate wetlands. In addition, discharges are prohibited to wildlife refuges, game preserves, scenic streams, or other specially protected lakes or waterbodies.

(Note) Freshwater and intermediate wetland areas, wildlife refuges and game preserves can be identified from the 1978 Vegetative Type Map of Louisiana (or any subsequent revisions), published by the Louisiana Department of Wildlife and Fisheries. The listing of scenic streams in Louisiana is found in the Louisiana Department of Wildlife and Fisheries publication "Natural and Scenic Streams System", (1981).

(Exception) Discharge of formation test fluids is allowed to the Mississippi River below Venice, Atchafalaya River below Morgan City, and Wax Lake Outlet. Discharges are also allowed to waterbodies and adjacent wetlands in brackish or saline marsh areas.

(b) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once

per discharge. The number of days a sheen is detected must be recorded.

[Exception] Formation test fluids may be discharged at any time if the operator uses the static sheen method for detecting free oil.

pH. Discharges of formation test fluid must meet a pH limitation of not less than 6.0 and not greater than 9.0. A grab sample must be taken once per discharge. Any spent acidic test fluids shall be neutralized before discharge such that the pH at the point of discharge meets the limitation.

(c) *Other Monitoring—Volume.* Once per discharge, the total volume reported as number of barrels sent downhole during testing and the number of barrels discharged shall be estimated and reported once per month.

6. Well Treatment Fluids, Completion Fluids, Workover Fluids

(a) *Prohibitions.* There shall be no discharge of well completion, treatment or workover fluids to lakes, rivers, streams, or freshwater wetlands or intermediate wetlands. In addition, discharges are prohibited to wildlife refuges, game preserves, scenic streams, or other specially protected lakes or waterbodies.

Note: Freshwater and intermediate wetland areas, wildlife refuges and game preserves can be identified from the 1978 Vegetative Type Map of the Louisiana (or any subsequent revisions), published by the Louisiana Department of Wildlife and Fisheries. The listing of scenic streams in Louisiana is found in the Louisiana Department of Wildlife and Fisheries publication "Natural and Scenic Streams System", (1981).

(Exception) Discharge of well completion, treatment or workover fluids are allowed on the Mississippi River below Venice, Atchafalaya River below Morgan City, and Wax Lake Outlet. Discharges are also allowed to waterbodies and adjacent wetlands in brackish or saline marsh areas.

Priority (Toxic) Pollutants. For well treatment fluids, completion fluids, and workover fluids, the discharge of priority pollutants (see Appendix A) is prohibited, except in trace amounts. If well completion, treatment or workover fluids are discharged, the permittee is required to retain records indicating that the discharge did not contain priority pollutants, except in trace amounts. Certification on DMR's will suffice for priority pollutant limits.

Information on the specific chemical composition of additives used in these fluids, and their concentrations in the fluid, must be recorded if priority pollutants are present, in any amount, in these additives.

(b) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once per day, when discharging. The number of days a sheen is detected must be recorded.

(Exception) well treatment fluids, completion fluids, or workover fluids may be discharged at any time if the operator uses the static sheen method for detecting free oil.

pH. Well treatment, completion and workover fluids must meet a pH limitation of not less than 6.0 and not greater than 9.0 prior to being discharged. Sampling must be accomplished once per day when discharging.

(c) *Other Monitoring—Volume.* Once per month, the discharge volume (bbls) must be estimated.

7. Sanitary Waste

(a) *Prohibitions—Solids.* No floating solids may be discharged.

(b) *Limitations—Biological Oxygen Demand (BOD₅).* Sanitary waste discharges must meet a 45 mg/l daily maximum limitation. A grab sample must be collected and analyzed once per quarter.

Total Suspended Solids. Sanitary waste discharges shall meet a 45 mg/l daily maximum limitation. A grab sample shall be collected and analyzed once per quarter.

Fecal Coliform. Sanitary waste discharges must meet a daily maximum limitation of 200/100 ml for fecal coliform. A grab sample must be taken and analyzed once per week.

Note: In specific water bodies designated by the State for oyster propagation, the mean probable number (MPN) of fecal coliform allowed shall not exceed 14 per 100 ml, and not more than 10% of samples shall exceed an MPN of 43 per 100 ml for a five-tube decimal dilution test in those areas most probably exposed to fecal contamination during the most unfavorable hydrographic and pollution conditions.

(c) *Other Monitoring—Flow.* Once per month, the average flow (million gallons per day; MGD) must be estimated.

8. Domestic Waste

(a) *Prohibitions—Solids.* This permit prohibits the discharge of "garbage" including food wastes (comminuted or not), incineration ash and clinkers. Neither Fish and fish debris from fish cleaning stations nor graywater is considered garbage under this definition.

9. Excess Cement Slurry

(a) *Prohibitions* There shall be no discharge of excess cement slurry to lakes, rivers, streams, or freshwater wetlands or intermediate wetlands. In addition, discharges are prohibited to wildlife refuges, game preserves, scenic streams, or other specially protected lakes or waterbodies.

Note: Freshwater and intermediate wetland areas, wildlife refuges and game preserves can be identified from the 1978 Vegetative Type Map of the Louisiana (or any subsequent revisions), published by the Louisiana Department of Wildlife and Fisheries. The listing of scenic streams in Louisiana is found in the Louisiana Department of Wildlife and Fisheries publication "Natural and Scenic Streams System", (1981).

(Exception) Discharge of excess cement slurry is allowed on the Mississippi River below Venice, Atchafalaya River below Morgan City, and Wax Lake Outlet. Discharges are also allowed to waterbodies and adjacent wetlands in brackish or saline marsh areas.

(b) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once per day, when discharging. The number of days a sheen is detected must be recorded.

(Exception) Excess cement slurry may be discharged at any time if the operator uses the static sheen method for detecting free oil.

10. Miscellaneous Discharges

Desalinization Unit Discharge, Blowout Preventer Fluid, Uncontaminated Ballast Water, Uncontaminated Bilge Water, Mud, Cuttings, and Cement at the Seafloor, Uncontaminated Seawater, Uncontaminated Freshwater, Boiler Blowdown, Diatomaceous Earth Filter Media, Uncontaminated Freshwater including potable water releases during tank transfer and emptying operations and condensate from air conditioner units.

(a) *Limitations Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Monitoring must be accomplished once per day, when discharging during conditions when an observation of a sheen is possible. Discharge is authorized only at times when visual sheen observation is possible. The number of days a sheen is detected must be recorded.

(Exception) Miscellaneous discharges may occur at any time if the operator uses the static sheen method for detecting free oil.

11. Other Discharge Conditions

(a) *Prohibitions—Halogenated Phenol Compounds.* There shall be no discharge of halogenated phenol compounds.

Rubbish, Trash, and Other Refuse. The discharge of any solid material not authorized in the permit (as described above) is prohibited.

(b) *Limitations—Floating Solids or Visible Foam.* There shall be no discharge of floating solids or visible foam in other than trace amounts.

Surfactants, Dispersants, and Detergents. The discharge of surfactants, dispersants, and detergents used to wash working areas shall be minimized except as necessary to comply with applicable State and Federal safety requirements.

Section B. Other Conditions

1. Samples of Wastes

If requested, the permittee shall provide EPA with a sample of any waste in a manner specified by the Agency.

Part III

Section A. General Conditions

1. Introduction

In accordance with the provisions of 40 CFR 122.41, *et. seq.*, this permit incorporates by reference all conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable CFR regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

3. Toxic Pollutants

Notwithstanding III.A.5 below, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit notice of intent to be covered and must apply for a new permit. Continuation of the expiring permit shall be governed by regulations at 40 CFR 122.6 and any subsequent amendments.

5. Permit Flexibility

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following (see 40 CFR 122.62–64):

(a) Violation of any terms or conditions of this permit;

(b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

(c) A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or

(d) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301, 304, and 307 of the Clean Water Act, if the effluent standard or limitation so issued or approved:

(a) Contains different conditions or limitations than any in the permit; or

(b) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator upon request, copies of records required to be kept by this permit.

8. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" and "Upsets" (see III.B.4 and III.B.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or misleading misrepresentation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable CFR regulations which avoids or effectively defeats the regulatory purpose of the permit may subject the permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Clean Water Act.

11. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Section B. Operation and Maintenance of Pollution Controls

1. Need To Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty To Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

4. Bypass of Treatment Facilities

(a) *Definitions.* (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Bypass not exceeding limitations.*

The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B, paragraphs 4.c and 4.d of this section.

(c) *Notice.* (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an

unanticipated bypass as required in Section D, paragraph 6 (24-hour reporting).

(d) *Prohibition of Bypass.* (1) Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under Section B, paragraph 4.c.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in Section B, paragraph 4.d.(1).

5. Upset Conditions

(a) *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate maintenance, or careless or improper operation.

(b) *Effect of an Upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B, paragraph 5.(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) *Conditions Necessary for a Demonstration of Upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Section D, paragraph 5; and,

(4) The permittee complied with any remedial measures required under section B, paragraph 2.

(d) *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters. Any substance specifically listed within this permit may be discharged in accordance with specified conditions, terms, or limitations.

Section C. Monitoring and Records

1. Inspection and Entry

The permittee shall allow the Regional Administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

2. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

3. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit, for a period of at least 3 years from the date of the sampling, measurement, or reporting. This period

may be extended by request of the Regional Administrator at any time.

The operator shall maintain records at development and production facilities for 3 years, wherever practicable and at a specific shore-based site whenever not practicable. The operator is responsible for maintaining records at exploratory facilities while they are discharging under the operator's control and at a specified shore-based site for the remainder of the 3-year retention period.

4. Record Contents

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements,
- (b) The individual(s) who performed the sampling or measurements,
- (c) The date(s) analyses were performed,
- (d) The individual(s) who performed the analyses,
- (e) The analytical techniques or methods used, and
- (f) The results of such analyses.

5. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in this permit (see part IV.A., below).

6. Discharge Rate/Flow Measurements

Appropriate flow measurement devices consistent with accepted practices shall be selected, maintained, and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than $\pm 10\%$ from true discharge rates throughout the range of expected discharge volumes.

Section D. Reporting Requirements

1. Planned Changes

The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (48 FR 14153, April 1, 1983, as amended at 49 FR 38049, September 26, 1984); or

- (b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (48 FR 14153, April 1, 1983, as amended at 49 FR 38049, September 26, 1984).

2. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Discharge Monitoring Reports

The operator of each lease (or lease block) shall be responsible for submitting monitoring results for all facilities within each lease (or lease block). The monitoring results for the facilities (platform, jack-up, drilling barge, etc.) within the particular lease (or lease block) shall be summarized on the annual Discharge Monitoring Report for that lease (or lease block).

Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1). The highest monthly average for all activity within each lease (or lease block) shall be reported. The highest daily maximum sample taken during the reporting period shall be reported as the daily maximum concentration. (See "Definitions" for more detailed explanations of these terms.)

If any category of waste (discharge) is not applicable for all facilities within the lease (or lease block) due to the type of operation (e.g. drilling, production), "no discharge" must be recorded for those categories on the DMR. If all facilities within a lease block have had no activity during the reporting period, then "no activity" must be written on the DMR. All pages of the DMR must be signed and certified as required by Part III.D.11 of this permit and submitted when due.

The Permittee must complete all empty blanks in the DMR unless there

has been absolutely no activity or no discharge within the lease (or lease block) for the entire reporting period. In these cases, EPA Region VI will accept a listing of leases (or lease blocks) with no discharges or no activity, in lieu of submitting actual DMRs for these leases (or lease blocks). This listing must specify the permittee's NPDES General Permit Number, lease/lease block description, and EPA-assigned outfall number. The listing must also include the certification statement presented in Part III.D.11.d of this permit and an original signature of the designated responsible official.

Upon receipt of a notification of intent to be covered, (Part I.A.) the permittee will be notified of its specific outfall number applicable to that lease block. Furthermore, the Permittee will be informed of the discharge monitoring report due date for that lease block.

All notices and reports required under this permit shall be sent to EPA Region 6 at the following address: Director, Water Management Division, USEPA, Region 6, Enforcement Branch (6W-EA), P.O. Box 50625, Dallas, TX 75270.

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased monitoring frequency shall also be indicated on the DMR.

6. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment (this includes any spill that requires oral reporting to the state regulatory authority). Information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to

continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The following shall be included as information which must be reported within 24 hours:

- (a) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (b) Any upset which exceeds any effluent limitation in the permit.
- (c) Violations of a maximum daily discharge limitation or daily minimum toxicity limitation for any of the pollutants listed by the Regional Administrator in Part III of the permit to be reported within 24 hours.

The reports should be made to Region 6 by telephone at (214) 655-6593. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under part III, section D, paragraphs 4 and 7 at the time monitoring reports are submitted. The reports shall contain the information listed in section D, paragraph 7.

9. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, it shall promptly submit such facts or information.

10. Changes in Discharges of Toxic Substances

For any toxic pollutant (see Appendix A) that is not limited in this permit, either as an additive itself or as a component in an additive formulation, the permittee shall notify the Regional Administrator as soon as he knows or has reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge of such toxic pollutants, on a routine or frequent basis, if that discharge will exceed the highest of the "notification levels" described at 40 CFR 122.42(a)(1) (i) and (ii);

(b) That any activity has occurred or will occur which would result in any discharge of such toxic pollutants, on a non-routine or infrequent basis, if that discharge will exceed the highest of the "notification levels" described at 40 CFR 122.42 (a)(2) (i) and (ii).

11. Signatory Requirements

All applications, reports, or information submitted to the Regional Administrator shall be signed and certified as required at 40 CFR 122.22.

(a) All permit applications shall be signed as follows:

(1) For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively.

(b) *Authorized Representative.* All reports required by the permit and other information requested by the Regional Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

(3) The written authorization is submitted to the Regional Administrator.

(c) *Changes to Authorization.* If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) *Certification.* Any person signing a document under this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

12. Availability of Reports

Except for data determined to be confidential under 40 CFR part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Regional Administrator. As required by the Clean Water Act, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

Section E. Penalties for Violations of Permit Conditions

1. Criminal

(a) *Negligent Violations.* The Act provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

(b) *Knowing Violations.* The Act provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

(c) *Knowing Endangerment.* The Act provides that any person who knowingly violates permit conditions

implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000 per day of violation, or by imprisonment for not more than 15 years, or both.

(d) *False Statements.* The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act).

2. Civil Penalties

The Clean Water Act at section 309 provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. The maximum penalty may be assessed for each violation occurring on a single day. A single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

3. Administrative Penalties

The Act at Section 309 allows that the Regional Administrator may assess a Class I or Class II civil penalty for violations of sections 301, 302, 306, 307, 308, 318, or 405 of the Act. A Class I penalty may not exceed \$10,000 per violation except that the maximum amount shall not exceed \$25,000. A Class II penalty may not exceed \$10,000 per day for each day during which the violation continues, except that the maximum amount shall not exceed \$125,000. An upset that leads to violations of more than one pollutant

parameter will be treated as a single violation.

Part IV

Section A. Test Procedures

For test procedures not specified below, the only authorized procedures are those described at 40 CFR part 136.

1. Visual Sheen Test

The visual sheen test is used to detect free oil by observing the surface of the receiving water for the presence of a sheen while discharging. A sheen is defined as a 'silvery' or 'metallic' sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface. The operator must conduct a visual sheen test only at times when a sheen can be observed. This restriction eliminates observations at night or when atmospheric or surface conditions prohibit the observer from detecting a sheen (e.g. fog (not overcast skies), rough seas, etc.). Certain discharges can only occur if a visual sheen test can be conducted.

The observer must be positioned on the rig or platform, or other vantage point, relative to both the discharge point and current flow at the time of discharge, such that the observer can detect a sheen should it surface down current from the discharge. For discharges that have been occurring for at least 15 minutes previously, observations may be made any time thereafter. For discharges of less than 15 minutes duration, observations must be made during both discharge and at 5 minutes after discharge has ceased.

2. Static Sheen Test

Region 10, Modified Static Sheen Test, "Bucket Test": Combined 50 FR No. 165 August 26, 1985 and USEPA Region 10, Interim Guidance for the Static (Laboratory) Sheen Test, January 10, 1984.

1. Scope and Application

The static sheen test is to be used as a compliance test for all discharges in this permit with the "no free oil discharge" requirement, when it is not possible for the operator to accomplish a visual sheen observation on the surface of the receiving water. This would preclude an operator from attempting a visual sheen observation when atmospheric or surface conditions prohibit the observer from detecting a sheen (e.g., during rough seas, etc.). Free oil refers to any oil contained in a waste stream that when discharged will cause a film or sheen upon or a discoloration of the surface of the receiving water.

2. Summary of Method

15 ml samples of drilling fluids; deck drainage, well treatment, completion and workover fluids, formation test fluids, or treated wastewater from drilling fluid dewatering activities, or 15 gm (wet weight basis) samples of drill cuttings or produced sand are introduced into ambient seawater in a container having an air to liquid interface area of 1000 cm² (155.5 in²). Samples are dispersed within the container and observations made no more than one hour later to ascertain if these materials cause a sheen, iridescence, gloss, or increased reflectance on the surface of the test seawater. The occurrence of any of these visual observations will constitute a demonstration that the tested material contains "free oil", and therefore, results in a prohibition on its discharge into receiving waters.

3. Interferences

Residual "free oil" adhering to sampling containers, the magnetic stirring bar used to mix drilling fluids, and the stainless steel spatula used to mix drill cuttings will be the principal sources of contamination problems. These problems should only occur if improperly washed and cleaned equipment are used for the test. The use of disposable equipment minimizes the potential for similar contamination from pipets and the test container.

4. Apparatus, Materials, and Reagents

4.1 Apparatus

4.1.1—Sampling Containers—1 L polyethylene beakers and 1 L glass beakers.

4.1.2—Graduated cylinder—100 ml graduated cylinder required only for operations where predilution of mud discharges is required.

4.1.3 Plastic disposable weighing boats.

4.1.4 Triple-beam scale.

4.1.5 Disposable pipets—25 ml disposable pipets.

4.1.6 Magnetic stirrer and stirring bar.

4.1.7 Stainless steel spatula.

4.1.8 Test container—open plastic container whose internal cross-section parallel to its opening has an area of 1000 ± 50 cm² (155.5 ± 7.75 in²), and a depth of at least 13 cm (5 inches) and no more than 30 cm (11.8 inches).

4.2 Materials and Reagents

4.2.1 Plastic liners for the test container—Oil free, heavy duty plastic trash can liners that do not inhibit the spreading of an oil film. Liners must be of sufficient size to completely cover the

interior surface of the test container. Permittees must determine an appropriate local source of liners that do not inhibit the spreading of 0.05 ml diesel fuel added to the lined test container under the test conditions and protocol described below.

4.2.2 Ambient receiving water.

5. Calibration

None currently specified.

6. Quality Control Procedures

None currently specified.

7. Sample Collection and Handling

7.1 Sampling containers must be thoroughly washed with detergent, rinsed a minimum of three times with fresh water, and allowed to air dry before samples are collected.

7.2 Samples of drilling fluid to be tested shall be taken at the shale shaker after cuttings have been removed. The sample volume should range between 200 ml and 500 ml.

7.3 Samples of drill cuttings will be taken from the shale shaker screens with a clean spatula or similar instrument and placed in a glass beaker. Cuttings samples shall be collected prior to the addition of any washdown water and should range between 200 g and 500 g.

7.4 Samples of produced sand must be obtained from the solids control equipment from which the discharge occurs on any given day and shall be collected prior to the addition of any washdown water; samples should range between 200 g and 500 g.

7.5 Samples of deck drainage, well treatment, completion and workover fluids, formation test fluids and treated wastewater from drilling fluid dewatering activities must be obtained from the holding facility prior to discharge; the sample volume should range between 200 ml and 500 ml.

7.6 Samples must be tested no later than 1 hour after collection.

7.7 Drilling fluid samples must be mixed in their sampling containers for 5 minutes prior to the test using a magnetic bar stirrer. If predilution is imposed as a permit condition, the sample must be mixed at the same ratio with the same prediluting water as the discharged muds and stirred for 5 minutes.

7.8 Drill cuttings must be stirred and well mixed by hand in their sampling containers prior to testing, using a stainless steel spatula.

8. Procedure

8.1 Ambient receiving water must be used as the "receiving water" in the test. The temperature of the test water shall be as close as practicable to the ambient

conditions in the receiving water, not the room temperature of the observation facility. The test container must have an air to liquid interface area of 1000 ± 50 cm². The surface of the water should be no more than 1.27 cm (1/2 inch) below the top of the test container.

8.2 Plastic liners shall be used, one per test container, and discarded afterwards. Some liners may inhibit spreading of added oil; operators shall determine an appropriate local source of liners that do not inhibit the spreading of the oil film.

8.3 A 15 ml sample of drilling fluid, deck drainage, well treatment, completion and workover fluids, formation test fluids, or treated wastewater from drilling fluid dewatering activities must be introduced by pipet into the test container 1 cm below the water surface. Pipets must be filled and discharged with test material prior to the transfer of test material and its introduction into test containers. The test water-test material mixture must be stirred using the pipet to distribute the test material homogeneously throughout the test water. The pipet must be used only once for a test and then discarded.

8.4 Drill cuttings or produced sand should be weighed on plastic weighing boats; 15 gram samples must be transferred by scraping test material into the test water with a stainless steel spatula. Drill cuttings shall not be prediluted prior to testing. Also, drilling fluids and cuttings will be tested separately. The weighing boat must be immersed in the test water and scraped with the spatula to transfer any residual material to the test container. The drill cuttings or produced sand must be stirred with the spatula to an even distribution of solids on the bottom of the test container.

8.5 Observations must be made no later than 1 hour after the test material is transferred to the test container. Viewing points above the test container should be made from at least three sides of the test container, at viewing angles of approximately 60° and 30° from the horizontal. Illumination of the test container must be representative of adequate lighting for a working environment to conduct routine laboratory procedures. It is recommended that the water surface of the test container be observed under a fluorescent light source such as a dissecting microscope light. The light source shall be positioned above and directed over the entire surface of the pan.

8.6 Detection of a "silvery" or "metallic" sheen, gloss, or increased reflectivity; visual color; or iridescence;

or an oil slick, on the water surface of the test container surface shall constitute a demonstration of "free oil". These visual observations include patches, streaks, or sheets of such altered surface characteristics and shall constitute a demonstration of free oil. If the free oil content of the sample approaches or exceeds 10 percent, the water surface of the test container may lack color, a sheen or iridescence, due to the increased thickness of the film; thus, the observation for an oil slick is required. The surface of the test container shall not be disturbed in any manner that reduces the size of any sheen or slick that may be present.

If an oil sheen or slick occurs on less than one-half of the surface area after drilling muds or cuttings are introduced to the test container, observations will continue for up to one hour. If the sheen or slick increases in size and covers greater than one-half of the surface area of the test container during the observation period, the discharge of the material shall cease. If the sheen or slick does not increase in size to cover greater than one-half of the test container surface area after one hour of observation, discharge may continue and additional sampling is not required.

If a sheen or slick occurs on greater than one-half of the surface area of the test container after the test material is introduced, discharge of the tested material shall cease. The permittee may retest the material causing the sheen or slick. If subsequent tests do not result in a sheen or slick covering greater than one-half of the surface area of the test container, discharge may continue.

Section B. Definitions

Administrator means the administrator of EPA Region 6, or an authorized representative.

Areas of Biological Concern (ABC) are locations identified by the State of Louisiana as "no activity zones" or areas determined by EPA and the State, collectively, containing significant biological resources or features that require "No Discharge" conditions.

Average daily discharge limitation means the highest allowable average of discharges over a 24-hour period, calculated as the sum of all discharges measured divided by the number of discharges measured that day.

Average monthly discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of discharges measured that month.

Batch or bulk discharge means any discharge of a discrete volume or mass

of effluent from a pit, tank or similar container that occurs on a one time or infrequent or irregular basis.

Batch or bulk treatment means any treatment of a discrete volume or mass of effluent from a pit, tank, or similar container prior to discharge.

Blow-out preventer control fluid is fluid used to actuate the hydraulic equipment on the blow-out preventer.

BOD5 is five day biochemical oxygen demand.

Boiler blowdown is discharge from boilers necessary to minimize solids build-up in the boilers, includes vents from boilers and other heating systems.

Clinkers are small lumps of melted plastic.

Coastal means all waters of the United States (as defined at 40 CFR 122.2) landward of the territorial seas.

COD is chemical oxygen demand.

Completion fluids are salt solutions, weighted brines, polymers or various additives used to prevent damage to the well bore during operations which prepare the drilled well for hydrocarbon production. These fluids move into the formation and return to the surface as a slug with the produced water. Drilling muds remaining in the wellbore during logging, casing and cementing operations or during temporary abandonment of the well are not considered completion fluids and are regulated by drilling fluids requirements.

Daily maximum discharge limitation means the highest allowable "daily discharge" during the calendar month.

Deck drainage is all waste resulting from platform washings, deck washings, spills, rainwater, and runoff from curbs, gutters, and drains, including drip pans and wash areas.

Desalination unit discharge means wastewater associated with the process of creating fresh water from seawater and includes potable water tank waste water discharges and transfers.

Diatomaceous earth filter media means filter media used to filter seawater or other authorized completion fluids and subsequently washed from the filter.

Domestic waste is discharges from galleys, sinks, showers, safety showers, eye wash stations, hand wash stations and laundries.

Drill cuttings are particles generated by drilling into the subsurface geological formations and carried to the surface with the drilling fluid.

Drilling fluid is any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

Excess Cement Slurry is the excess cement including additives and wastes

from equipment washdown after a cementing operation.

Free Oil is oil that causes a sheen when discharges are released or when a static sheen test is used.

Formation test fluids are the discharge that would occur should hydrocarbons be located during exploratory drilling and tested for formation pressure and content.

Garbage means all kinds of victual, domestic and operational waste * * * generated during the normal operation of the ship and liable to be disposed of continuously or periodically * * * (See MARPOL 73/78 regulations).

Grab sample a single representative effluent sample taken at the recognized discharge point in as short a period of time as feasible.

Graywater means drainage from dishwater, shower, laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo areas. (See MARPOL 73/78 regulations).

Inverse emulsion drilling fluids means an oil-based drilling fluid that also contains a large amount of water.

Maximum hourly rate means the greatest number of barrels of drilling fluids discharged within one hour, expressed as barrels per hour.

MGD refers to units of flow measurement, as million gallons per day.

MPN means most probable number.

Muds, cuttings, and cement at the seafloor are discharges which occur at the seafloor prior to installation of the marine riser and during marine riser disconnect and well abandonment and plugging operations.

No Activity Zones are those areas identified by MMS where no structures, drilling rigs, or pipelines will be allowed. See Areas of Biological Concern.

No Discharge Areas are areas specified by EPA where discharge of pollutants may not occur.

Packer Fluid means low solids fluids between the packer, production string and well casing. (See workover fluids).

Priority Pollutants are those chemicals or elements identified by EPA, pursuant to section 307 of the Clean Water Act, and 40 CFR 401.15. See Appendix A.

Sanitary waste means human body waste discharged from toilets and urinals.

Source water and sand means water from non-hydrocarbon bearing formations for the purpose of pressure maintenance or secondary recovery, including the entrained solids.

Static Sheen is the procedure described in Part IV, Section A.2. of the permit.

Territorial Seas is "the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open ocean and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles" (CWA Section 502).

TDS means total dissolved solids.

Toxic Pollutants (See Priority Pollutants, Appendix A)

Treated wastewater from dewatered drilling fluids and cuttings means wastewater from dewatering activities (including but not limited to reserve or other tanks or pits which have been flocculated or otherwise chemically or mechanically treated to meet specific discharge conditions) and any waste commingled with this water.

TSS means total suspended solids.

Uncontaminated ballast/bilge water is seawater added or removed to maintain proper draft of a vessel.

Uncontaminated Freshwater means freshwater which is returned to the receiving stream without the addition of any chemicals; included are (1) discharges of excess freshwater that permit the continuous operation of fire control and utility lift pumps, (2) excess freshwater from pressure maintenance and secondary recovery projects, (3) water released during the training and testing of personnel in fire protection, (4) water used to pressure test piping, (5) once through, non-contact cooling water, and (6) potable water released during transfer and tank emptying operations and condensate from air conditioner units.

Uncontaminated Seawater is seawater which is returned to the sea without the addition of chemicals. Included are: (1) Discharges of excess seawater which permit the continuous operation of fire control and utility lift pumps, (2) excess seawater from pressure maintenance and secondary recovery projects, (3) water released during the training and testing of personnel in fire protection, (4) seawater used to pressure test piping, and (5) once through, noncontact cooling water.

Visual Sheen means a 'silvery' or 'metallic' sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.

Well treatment (stimulation) fluids means any fluid used to restore or improve productivity by chemically or physically altering hydrocarbon-bearing strata after a well has been drilled. These fluids move into the formation and return to the surface as a slug with the produced water. Stimulation fluids include substances such as acids, solvents and propping agents.

Workover fluids means salt solutions, weighted brines, polymers or other specialty additives used in a producing well to allow safe repair and maintenance or abandonment procedures. High solids drilling fluids used during workover operations are not considered workover fluids by definition and therefore must meet drilling fluid effluent limitations before discharge may occur. Packer fluids, low solids fluids between the packer, production string and well casing, are considered to be workover fluids and must meet only the effluent requirements imposed on workover fluids.

TABLE 1.—PERMIT CONDITIONS AND DISCHARGE MONITORING FREQUENCY

Effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type/method	Recorded value(s)
(A). Drilling Fluids—no discharge.				
(B). Drill Cuttings—no discharge.				
(C). Treated Wastewater from Drilling Fluids/Cuttings, Dewatering Activities, and Pit Closure Activities.				
Free oil	No free oil	Once/day ¹	Visual sheen on receiving water ² .	Number of days sheen observed.
Oil and grease	15 mg/l	Once/day ¹	Grab	Daily maximum.
TSS	50 mg/l	Once/day ¹	Grab	Daily maximum.
COD	125 mg/l	Once/day ¹	Grab	Daily maximum.
pH	6.0–9.0 ³	Once/day ¹	Grab	pH value.
Chlorides	500 mg/l	Once/day ¹	Grab	Daily maximum.
Total chromium	0.5 mg/l	Once/day ¹	Grab	Daily maximum.
Zinc	5.0 mg/l	Once/day ¹	Grab	Daily maximum.
Volume	Report (bbbls)	Once/day ¹	Estimate	Daily total. ⁴
(D). Deck Drainage				
Free oil	No free oil	Once/day ¹⁰	Visual sheen on receiving water. ⁹ .	Number of days sheen observed.
Volume	Report (bbbls)	Once/month	Estimate	Monthly total. ⁴
(E). Formation Test Fluids				
There shall be no discharge of formation test fluids to lakes, rivers, streams, freshwater wetlands or intermediate wetlands. In addition, discharges are prohibited to wildlife refuges, game preserves, scenic streams, or other specially protected lakes or waterbodies.				
(Exception) Discharge of formation test fluids is allowed to the Mississippi River below Venice, Atchafalaya River below Morgan City, Wax Lake Outlet, and to waterbodies and adjacent wetlands in brackish or saline marsh areas. These allowed discharges are subject to the following limitations and monitoring requirements.				
Free oil	No free oil	Once/discharge	Visual sheen on receiving water. ² .	Number of days sheen observed.
pH	6.0–9.0 ³	Once/discharge	Grab	pH value.
Volume	Report (bbbls)	Once/discharge	Estimate	Monthly total. ⁴
(F). Well Treatment, Completion, and Workover Fluids				
There shall be no discharge of well treatment, completion and workover fluids to lakes, rivers, streams, freshwater wetlands or intermediate wetlands. In addition, discharges are prohibited to wildlife refuges, game preserves, scenic streams, or other specially protected lakes or waterbodies.				
(Exception) Discharge of well treatment, completion and workover fluids is allowed to the Mississippi River below Venice, Atchafalaya River below Morgan City, Wax Lake Outlet, and to waterbodies and adjacent wetlands in brackish or saline marsh areas. These allowed discharges are subject to the following limitations and monitoring requirements.				
Priority Pollutants	No discharge	Once/day ¹	Certification ⁵ .	Number of days sheen observed.
Free oil	No free oil	Once/day ¹	Visual sheen on receiving water. ² .	Number of days sheen observed.
pH	6.0–9.0 ³	Once/day ¹	Grab	pH value.
Volume	Report (bbbls)	Once/month ¹	Estimate	Monthly total.
(G). Sanitary Waste				
Solids	No floating solids	Once/day	Observation ⁶	Number of days solids observed.
BOD5	45 mg/l	Once/quarter	Grab	Daily maximum.
TSS	45 mg/l	Once/quarter	Grab	Daily maximum.
Fecal coliform	200/100 ml ⁷	Once/week	Grab	Daily maximum.
Flow	Report (MGD)	Once/month	Estimate	Monthly avg. ⁴
(H). Domestic Waste				
Solids	No discharge. ⁸			

TABLE 1.—PERMIT CONDITIONS AND DISCHARGE MONITORING FREQUENCY—Continued

Effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type/method	Recorded value(s)
(I). Excess Cement Slurry				
Free oil	No free oil	Once/day ¹	Visual sheen on receiving water ² .	Number of days sheen observed.
LDEQ field wide permits	No discharge to lakes, rivers, streams, and freshwater wetlands or intermediate wetlands.			
(J). Miscellaneous Discharges: Desalinization Unit Discharge, Blowout Preventer Fluid, Uncontaminated Ballast Water, Uncontaminated Bilge Water, Mud, Cuttings, and Cement at the Seafloor, Uncontaminated Seawater, Uncontaminated Freshwater, Boiler Blowdown, Diatomaceous Earth Filter Media, Uncontaminated Freshwater including potable water releases during tank transfer and emptying operations, and condensate from air conditioner units.				
Free oil	No free oil	Once/day ¹	Visual sheen on receiving water ² .	Number of days sheen observed.

Footnotes for Table 1.

¹ When discharging.² Discharge is possible during times other than when a visual sheen observation is possible, if the static sheen test method is used.³ pH at the point of discharge shall not be less than 6.0 or greater than 9.0.⁴ Information shall be recorded, but not reported unless specifically requested by EPA.⁵ No discharge except in trace amounts. Certification that each discharge does not contain priority pollutants (except in trace amounts) on DMR's is sufficient to meet priority pollutant limits. Information on the specific chemical composition shall be retained by the permittee but not reported unless requested by EPA.⁶ Monitoring by visual observation of the surface of the receiving water in the vicinity of outfall(s) shall be done during daylight at the time of maximum estimated discharge.⁷ For specific water bodies designated by the state for oyster propagation, Fecal coliform not to exceed 14 most probable number (MPN) fecal coliforms per 100 ml, and not more than 10% of the samples shall exceed an MPN of 43 per 100 ml for a 5 tube decimal dilution test in areas most probably exposed to fecal contamination during most unfavorable hydrographic and pollution conditions.⁸ Annex V of MARPOL 73/78 prohibits the discharge of "garbage" including food wastes, incineration ash and clinkers. Graywater, drainage from dishwater, shower, laundry, bath, and washbasins may be discharged.⁹ Monitoring of visual sheen to be made at times when visual observations can be made.¹⁰ When discharging and when the facility is manned.

Appendix A. Priority Pollutant List

Acenaphthene	Ethylbenzene	Fluorene
Acrolein	Fluoranthene	Phenanthrene
Acrylonitrile	4-chlorophenyl phenyl ether	1,2,5,6-dibenzanthracene
Benzene	4-bromophenyl phenyl ether	(dibenzo(h)anthracene)
Benzidine	Dichlorobormomethane	Indeno (1,2,3-cd) pyrene (2,3-o-phenylene)
Carbon tetrachloride (tetrachloromethane)	Chlordibromomethane	Pyrene Tetrachloroethylene
Chlorobenzene	Hexachlorobutadiene	Toluene
1,2,4-trichlorobenzene	Hexachlorocyclopentadiene	Endosulphan sulphate
Hexachlorobenzene	Isophorone	Endrin
1,2-dichloroethane	Naphthalene	Endrin aldehyde
1,1,1-trichloroethane	Nitrobenzene	Heptachlor
Hexachloroethane	2-nitrophenol	Heptachlor epoxide (BHC-hexachloro cyclohexane)
1,1-dichloroethane	4-nitrophenol	Alpha-BHC
1,1,2-trichloroethane	2,4-dinitrophenol	Beta-BHC
1,1,2,2-tetrachloroethane	4,6-dinitro-o-cresol	Gamma-BHC (lindane)
Chloroethane ether	4,6-dinitro-o-cresol	Delta-BHC (PCB-polychlorinated biphenyls)
2-chloroethyl vinyl ether (mixed)	N-nitrosodimethylamine	PCB-1242 (Arochlor 1242)
2-chloronaphthalene	N-nitrosodi-n-propylamine	PCB-1254 (Arochlor 1254)
2,4,6-trichlorophenol	Pentachlorophenol	PCB-1221 (Arochlor 1221)
Parachlorometacresol	Phenol	PCB-1232 (Arochlor 1232)
Chloroform (trichloromethane)	Bis(2-ethylhexyl) phthalate	PCB-1248 (Arochlor 1248)
2-chlorophenol	Butyl benzyl phthalate	PCB-1260 (Arochlor 1260)
1,2-dichlorobenzene	Di-n-butyl phthalate	PCB-1016 (Arochlor 1016)
1,3-dichlorobenzene	Diethyl Phthalate	Toxaphane
1,4-dichlorobenzene	Dimethyl phthalate 1,2-benzanthracene	Antimony
3,3-dichlorobenzene	(benzo(a)anthracene)	Arsenic
1,1-dichloroethylene	Benzo(a)pyrene (3,4-benzopyrene)	Asbestos
2,4-dichlorophenol	3,4-Benzofluoranthene	Beryllium
1,2-dichloropropane	(benzo(b)fluoranthene)	Cadmium
1,2-dichloropropylene (1,3-dichloropropene)	11,12-benzofluoranthene	Chromium
2,4-dimethylphenol	(benzo(b)fluoranthene)	Copper
2,4-dinitrotoluene	Chrysens	Cyanide, Total
2,6-dinitrotoluene	Acenaphthylene	Lead
1,2-diphenylhydrazine	Anthracene	Mercury
	1,12-benzoperylene(benzo(ghi)perylene)	Nickel

Selenium
 N-nitrosodiphenylamine 2,3,4,7,8-tetrachlorodibenzo-p-dioxin (TCDD)
 Silver
 Thallium
 Bis(2-chloroisopropyl) ether
 Bis(2-chloroethoxy) methane
 Methylene chloride (dichloromethane)
 Methyl chloride (dichloromethane)
 Methyl bromide (bromomethane)
 Bromoform Tribromoethane
 Trichloroethylene
 Vinyl chloride (chloroethylene) Aldrin
 Dieldrin
 Chlordane (techn. mixture and metabolites)
 4,4-DDT
 4,4-DDE (p,p-DDX)
 4,4-DDD (p,p-TDE)
 Alpha-endosulfan
 Beta-endosulfan
 Zinc

General Permit Authorization to Discharge From the Oil and Gas Point Source Category to Coastal Waters of Texas

Permit No. TXG330000

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*; the "Act"), the following discharges are authorized from coastal oil and gas facilities (defined in 40 CFR Part 435, Subpart D) to receiving waters, described below (encompassing the coastal waters of Texas) in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, and IV thereof:

Drilling Fluids.
 Drill Cuttings.
 Deck Drainage.
 Sanitary Wastes.
 Domestic Wastes.
 Desalination Unit Discharge.
 Diatomaceous Earth Filter Media.
 Excess Cement Slurry.
 Uncontaminated Ballast/Blige Water.
 Boiler Blowdown.
 Blowout Preventer Control Fluid.
 Well Treatment Fluids.
 Workover Fluids.
 Completion Fluids.
 Formation Test Fluids.
 Treated Wastewater from Dewatered Drilling Fluids/Cuttings.
 Muds, Cuttings, and Cement at the Sea floor.
 Uncontaminated Ssewater.
 Uncontaminated Freshwater.

This permit authorizes discharges to the coastal waters of Texas from oil and gas facilities engaged in production, field exploration, drilling, well completion, and well treatment operations. Produced water, produced sand and source water and sand discharges are excluded from coverage under this general permit, but will however, be regulated under a separate general coastal permit.

For the purposes of this NPDES general permit, Coastal Subcategory

facilities means oil and gas facilities associated with a wellhead located in waters of the United States (including wetlands) as defined at 40 CFR 122.2, landward of the inner boundary of the territorial seas and those wells in the geographic area (land and water areas) suspended from the Onshore Subcategory described at 40 CFR part 435 subpart C. The term wetlands shall mean "those surface areas which are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, swamps, marshes, bogs and similar areas". Territorial seas refers to "the belt of the seas measured from the line of ordinary low water along that portion of the coast which is direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles." (See Clean Water Act Section 502).

The coastal permit area as described in the regulations is broad by definition and includes all rivers, streams, lakes, bays, estuaries and adjacent wetlands that occur inland of inner boundary of the territorial seas. The coastal subcategory also includes the geographic area along the coast of Texas and Louisiana (Chapman line area) which was originally defined as coastal in EPA's 1976 Interim Final Regulations for the onshore subcategory (See Suspension of Regulations, 47 FR 31554, July 21, 1982). A facility is considered to be covered under the proposed general permit if the location of the wellhead is within the described permit area.

This permit does not authorize discharge from "new sources" as defined in 40 CFR 122.2. This permit also does not authorize discharges from oil and gas extraction operations which adversely affect properties listed or eligible for listing in the National Register of Historic Places.

This permit shall become effective on October 21, 1993.

This permit and the authorization to discharge shall expire at midnight, October 21, 1998.

Signed this September 7th day of 1993.
 Myron O. Knudson, P.E.,
 Director, Water Management Division EPA
 Region 8.

Part I

Section A. General Permit Coverage

1. Intent To Be Covered

Written notification of intent to be covered, including the legal name and address of the operator, the lease (or lease block) number assigned by the Railroad Commission of Texas or, if none, the name commonly assigned to the lease area, and the type of facilities located within the lease (or lease block), shall be submitted.

(a) By operators of leases (or lease blocks) that are located within the geographic scope of this permit, within 45 days of the effective date of this permit.

Note: Operators must request coverage under this general permit or have an effective individual permit.

(b) By operators of leases (or lease blocks) obtained subsequent to the effective date of this permit fourteen days prior to the commencement of discharge.

2. Termination of Operations

Lease (or lease block) operators shall notify the Regional Administrator within 60 days after the permanent termination of discharges from their facilities. In addition, lease (or lease block) operators shall notify the Regional Administrator within 30 days of any transfer of ownership.

Section B. NPDES Individual Versus General Permit Applicability

1. The Regional Administrator May Require Application for an Individual NPDES Permit

The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit when:

- (a) The discharge(s) is a significant contributor of pollution;
- (b) The discharger is not in compliance with the conditions of this permit;
- (c) A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- (d) Effluent limitation guidelines are promulgated for point sources covered by this permit;
- (e) A Water Quality Management Plan containing requirements applicable to such point source is approved;
- (f) The point source(s) covered by this permit no longer;
- (1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;
 (3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring;

or
 (5) In the opinion of the Regional Administrator, are more appropriately controlled under an individual permit than under a general permit.

The Regional Administrator may require any operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

2. An Individual NPDES Permit May Be Requested

(a) Any operator authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than December 20, 1993.

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to the owner or operator is automatically terminated on the effective date of the individual permit.

3. General Permit Coverage May Be Requested

A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source after the notification of intent to be covered is filed (see A.1. above).

Part II

Section A. Effluent Limitations and Monitoring Requirements

Specific effluent limitations and monitoring requirements are discussed below. They are organized by the type of discharge in the text, and by discharge type, effluent limitation and monitoring requirements in Table 1.

1. Drilling Fluids

(a) *Applicability.* Permit conditions apply to all drilling fluids (muds) that are discharged, including fluids adhering to cuttings.

(b) *Prohibitions.* This permit prohibits the discharge of all drilling fluids.

2. Drill Cuttings

Special Note: The permit prohibitions and limitations that apply to drilling fluids also apply to drilling fluids that adhere to drill

cuttings. Any permit condition that applies to the drilling fluid system, therefore, also applies to cuttings discharges.

(a) *Prohibitions.* This permit prohibits the discharge of drill cuttings.

3. Treated Wastewater from Drilling Fluids/Cuttings, Dewatering Activities and Pit Closure Activities

(a) *Applicability.* Treated waste water from dewatered drill site reserve pits, shale barges, ring levees and inactive/abandoned reserve pits, mud tanks and effluents from solids control systems.

(b) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once per day, when discharging. The number of days a sheen is detected must be recorded.

[Exception] Treated wastewater may be discharged at any time if the operator uses the static sheen method for detecting free oil.

Oil and Grease. Treated Wastewater must meet a 15 mg/l daily maximum limitation.

Total Suspended Solids. Treated wastewater shall not exceed 50 mg/l as a daily maximum.

Total Dissolved Solids. Treated wastewater shall not exceed 3000 mg/l as a daily maximum.

[Exception] Total dissolved solids (TDS) concentration may exceed 3,000 mg/l in tidally influenced watercourses (downstream of the upper limit of saltwater intrusion) if the TDS concentration of the treated reserve pit effluent does not exceed the TDS concentration of the receiving water at the point of discharge at the time of discharge.

Chemical Oxygen Demand. Treated wastewater shall not exceed 200 mg/l as a daily maximum.

pH. Discharges of treated wastewater must meet a pH limitation of not less than 6.0 and not greater than 9.0 at the point of discharge.

Chlorides. Treated wastewater shall not exceed 500 mg/l in inland areas and shall not exceed 1,000 mg/l in tidally influenced watercourses.

[Exception] Chloride concentration may exceed 1,000 mg/l in tidally influenced watercourses (downstream of the upper limit of saltwater intrusion) if the chloride concentration of the treated reserve pit effluent does not exceed the chloride concentration of the receiving water at the point of discharge at the time of discharge. Inland regions are defined to be those regions where

natural drainage is into any watercourse which is not tidally influenced.

Hazardous Metals. The discharge must not contain concentrations of the substances classified as "hazardous metals" in excess of the levels allowed by the Texas Water Development Board Rules 156.19.15.001-.009 (currently TAC 319.21).

Monitoring. The monitoring frequency for the above limitations are once per day when discharging. However, if the effluent is batch treated and discharged, the monitoring requirements for all effluent characteristics shall be once per discharge event by grab sample.

(c) *Other Monitoring—Volume.* The volume (bbls) of discharged treated wastewater must be estimated once per day, when discharging. If the effluent is being batch treated and discharged then the estimated volume discharged in barrels must be recorded per discharge event.

4. Deck Drainage

(a) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Monitoring must be accomplished once per day, when discharging during conditions when an observation of a sheen is possible and when the facility is manned. The number of days a sheen is detected must be recorded.

(b) *Other Monitoring—Volume.* Once per month, the total monthly volume (bbl) must be estimated.

5. Formation Test Fluid

(a) *Prohibitions.* There shall be no discharge of formation test fluids to lakes, rivers, streams, bays and estuaries.

[Exception] Discharges of formation test fluids are allowed to bays and estuaries where no chloride standards have been established by the Texas Water Commission.

(b) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible.

Monitoring must be accomplished once per discharge. The number of days a sheen is detected must be recorded. [Exception] Formation test fluids may be discharged at any time if the operator uses the static sheen method for detecting free oil.

pH. Discharges of formation test fluid must meet a pH limitation of not less than 6.0 and not greater than 9.0. A grab sample must be taken once per discharge. Any spent acidic test fluids

shall be neutralized before discharge such that the pH at the point of discharge meets the limitation.

(c) *Other Monitoring—Volume.* Once per discharge, the total volume reported as number of barrels sent downhole during testing and the number of barrels discharged shall be estimated and reported once per month.

6. Well Treatment Fluids, Completion Fluids, Workover Fluids

(a) *Prohibitions.* There shall be no discharge of well completion, treatment or workover fluids to lakes, rivers, streams, bays or estuaries.

[Exception] Discharge of well completion, treatment or workover fluids are allowed to bays and estuaries where no chloride standards have been established by the Texas Water Commission.

Priority (Toxic) Pollutants. For well treatment fluids, completion fluids, and workover fluids, the discharge of priority pollutants (see Appendix A) is prohibited, except in trace amounts. If well completion, treatment or workover fluids are discharged, the permittee is required to retain records indicating that the discharge did not contain priority pollutants, except in trace amounts. Certification on DMR's will suffice for priority pollutant limits.

Information on the specific chemical composition of additives used in these fluids, and their concentrations in the fluid, must be recorded if priority pollutants are present, in any amount, in these additives.

(b) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once per day, when discharging. The number of days a sheen is detected must be recorded.

[Exception] Well treatment fluids, completion fluids, or workover fluids may be discharged at any time if the operator uses the static sheen method for detecting free oil.

pH. Well treatment, completion and workover fluids must meet a pH limitation of not less than 6.0 and not greater than 9.0 prior to being discharged. Sampling must be accomplished once per day when discharging.

(c) *Other Monitoring—Volume.* Once per month, the discharge volume (bbls) must be estimated.

7. Sanitary Waste

(a) *Prohibitions—Solids.* No floating solids may be discharged.

(b) *Limitations—Biochemical Oxygen Demand (BOD5).* Sanitary waste discharges must meet a 45 mg/l daily maximum limitation. A grab sample must be collected and analyzed once per quarter.

Total Suspended Solids. Sanitary waste discharges shall meet a 45 mg/l daily maximum limitation. A grab sample shall be collected and analyzed once per quarter.

Fecal Coliform. Sanitary waste discharges must meet a daily maximum limitation of 200/100 ml for fecal coliform. A grab sample must be taken and analyzed once per week.

(c) *Other Monitoring—Flow.* Once per month, the average flow (million gallons per day; MGD) must be estimated.

8. Domestic Waste

(a) *Prohibitions—Solids.* This permit prohibits the discharge of "garbage" including food wastes (comminuted or not), incineration ash and clinker. Neither fish and debris from fish cleaning stations nor graywater are not considered garbage under this definition.

9. Miscellaneous Discharges

Desalination Unit Discharge, Blowout Preventer Fluid, Uncontaminated Ballast Water, Uncontaminated Bilge Water, Mud, Cuttings, and Cement at the sea floor, Uncontaminated Seawater, Boiler Blowdown, Excess Cement Slurry, Diatomaceous Earth Filter Media, Uncontaminated Freshwater, including potable water releases during tank transfer and emptying operations, and condensate from air conditioner units.

(a) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once per day, when discharging. The number of days a sheen is detected must be recorded.

[Exception] Miscellaneous discharges may occur at any time if the operator uses the static sheen method for detecting free oil.

10. Other Discharge Conditions

(a) *Prohibitions—Halogenated Phenol Compounds.* There shall be no discharge of halogenated phenol compounds.

Rubbish, Trash, and Other Refuse. The discharge of any solid material not

authorized in the permit (as described above) is prohibited.

(b) *Limitations—Floating Solids or Visible Foam.* There shall be no discharge of floating solids or visible foam in other than trace amounts.

Surfactants, Dispersants, and Detergents. The discharge of surfactants, dispersants, and detergents used to wash working areas shall be minimized except as necessary to comply with applicable State and Federal safety requirements.

Section B. Other Conditions

1. Samples of Wastes

If requested, the permittee shall provide EPA with a sample of any waste in a manner specified by the Agency.

Part III

Section A. General Conditions

1. Introduction

In accordance with the provisions of 40 CFR 122.41, et. seq., this permit incorporates by reference all conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable CFR regulations.

2. Duty To Comply

The permittee must comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the Clean Water Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

3. Toxic Pollutants

Notwithstanding III.A.5 below, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

shall be neutralized before discharge such that the pH at the point of discharge meets the limitation.

(c) *Other Monitoring—Volume.* Once per discharge, the total volume reported as number of barrels sent downhole during testing and the number of barrels discharged shall be estimated and reported once per month.

6. Well Treatment Fluids, Completion Fluids, Workover Fluids

(a) *Prohibitions.* There shall be no discharge of well completion, treatment or workover fluids to lakes, rivers, streams, bays or estuaries.

[Exception] Discharge of well completion, treatment or workover fluids are allowed to bays and estuaries where no chloride standards have been established by the Texas Water Commission.

Priority (Toxic) Pollutants. For well treatment fluids, completion fluids, and workover fluids, the discharge of priority pollutants (see Appendix A) is prohibited, except in trace amounts. If well completion, treatment or workover fluids are discharged, the permittee is required to retain records indicating that the discharge did not contain priority pollutants, except in trace amounts. Certification on DMR's will suffice for priority pollutant limits.

Information on the specific chemical composition of additives used in these fluids, and their concentrations in the fluid, must be recorded if priority pollutants are present, in any amount, in these additives.

(b) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once per day, when discharging. The number of days a sheen is detected must be recorded.

[Exception] Well treatment fluids, completion fluids, or workover fluids may be discharged at any time if the operator uses the static sheen method for detecting free oil.

pH. Well treatment, completion and workover fluids must meet a pH limitation of not less than 6.0 and not greater than 9.0 prior to being discharged. Sampling must be accomplished once per day when discharging.

(c) *Other Monitoring—Volume.* Once per month, the discharge volume (bbls) must be estimated.

7. Sanitary Waste

(a) *Prohibitions—Solids.* No floating solids may be discharged.

(b) *Limitations—Biochemical Oxygen Demand (BOD5).* Sanitary waste discharges must meet a 45 mg/l daily maximum limitation. A grab sample must be collected and analyzed once per quarter.

Total Suspended Solids. Sanitary waste discharges shall meet a 45 mg/l daily maximum limitation. A grab sample shall be collected and analyzed once per quarter.

Fecal Coliform. Sanitary waste discharges must meet a daily maximum limitation of 200/100 ml for fecal coliform. A grab sample must be taken and analyzed once per week.

(c) *Other Monitoring—Flow.* Once per month, the average flow (million gallons per day; MGD) must be estimated.

8. Domestic Waste

(a) *Prohibitions—Solids.* This permit prohibits the discharge of "garbage" including food wastes (comminuted or not), incineration ash and clinker. Neither fish and debris from fish cleaning stations nor graywater are not considered garbage under this definition.

9. Miscellaneous Discharges

Desalination Unit Discharge, Blowout Preventer Fluid, Uncontaminated Ballast Water, Uncontaminated Bilge Water, Mud, Cuttings, and Cement at the sea floor, Uncontaminated Seawater, Boiler Blowdown, Excess Cement Slurry, Diatomaceous Earth Filter Media, Uncontaminated Freshwater, including potable water releases during tank transfer and emptying operations, and condensate from air conditioner units.

(a) *Limitations—Free Oil.* Discharges containing free oil are prohibited as determined by a visual sheen on the surface of the receiving water. Discharge is authorized only at times when visual sheen observation is possible. Monitoring must be accomplished once per day, when discharging. The number of days a sheen is detected must be recorded.

[Exception] Miscellaneous discharges may occur at any time if the operator uses the static sheen method for detecting free oil.

10. Other Discharge Conditions

(a) *Prohibitions—Halogenated Phenol Compounds.* There shall be no discharge of halogenated phenol compounds.

Rubbish, Trash, and Other Refuse. The discharge of any solid material not

authorized in the permit (as described above) is prohibited.

(b) *Limitations—Floating Solids or Visible Foam.* There shall be no discharge of floating solids or visible foam in other than trace amounts.

Surfactants, Dispersants, and Detergents. The discharge of surfactants, dispersants, and detergents used to wash working areas shall be minimized except as necessary to comply with applicable State and Federal safety requirements.

Section B. Other Conditions

1. Samples of Wastes

If requested, the permittee shall provide EPA with a sample of any waste in a manner specified by the Agency.

Part III

Section A. General Conditions

1. Introduction

In accordance with the provisions of 40 CFR 122.41, et. seq., this permit incorporates by reference all conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable CFR regulations.

2. Duty To Comply

The permittee must comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the Clean Water Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

3. Toxic Pollutants

Notwithstanding III.A.5 below, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. Duty To Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit notice of intent to be covered and must apply for a new permit. Continuation of the expiring permit shall be governed by regulations at 40 CFR 122.6 and any subsequent amendments.

5. Permit Flexibility

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following (see 40 CFR 122.62-64):

- (a) Violation of any terms or conditions of this permit;
- (b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- (c) A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- (d) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under section 301, 304, and 307 of the Clean Water Act, if the effluent standard or limitation so issued or approved:

- (a) Contains different conditions or limitations than any in the permit; or
- (b) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine

compliance with this permit. The permittee shall also furnish to the Regional Administrator upon request, copies of records required to be kept by this permit.

8. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" and "Upsets" (see III.B.4 and III.B.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or misleading misrepresentation or concealment of information required to be reported by the provisions of the permit, the ACT, or applicable CFR regulations which avoids or effectively defeats the regulatory purpose of the permit may subject the permittee to criminal enforcement pursuant to 18 U.S.C. 1001.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Clean Water Act.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Clean Water Act.

11. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Section B. Operation and Maintenance of Pollution Controls

1. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of

adversely affecting human health or the environment.

3. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

4. Bypass of Treatment Facilities

(a) *Definitions.* (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property; damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Bypass not exceeding limitations.* The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of section B, paragraphs 4.c and 4.d of this section.

(c) *Notice.* (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in section D, paragraph 6 (24-hour reporting).

(d) *Prohibition of bypass.* (1) Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not

satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under section B, paragraph 4.c.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in section B, paragraph 4.d.(1).

5. Upset Conditions

(a) *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate maintenance, or careless or improper operation.

(b) *Effect of an Upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of section B, paragraph 5.(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) *Conditions Necessary for a Demonstration of Upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in section D, paragraph 5; and,

(4) The permittee complied with any remedial measures required under section B, paragraph 2.

(d) *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters

shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters. Any substance specifically listed within this permit may be discharged in accordance with specified conditions, terms, or limitations.

Section C. Monitoring and Records

1. Inspection and Entry

The permittee shall allow the Regional Administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

2. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

3. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit, for a period of at least 3 years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Administrator at any time.

The operator shall maintain records at development and production facilities for 3 years, wherever practicable and at a specific shore-based site whenever not practicable. The operator is responsible for maintaining records at exploratory facilities while they are discharging under the operator's control and at a specified shore-based site for the remainder of the 3-year retention period.

4. Record Contents

Records of monitoring information shall include:

(a) The date, exact place, and time of sampling or measurements,

(b) The individual(s) who performed the sampling or measurements,

(c) The date(s) analyses were performed,

(d) The individual(s) who performed the analyses,

(e) The analytical techniques or methods used, and

(f) The results of such analyses.

5. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in this permit (see part IV.A., below).

6. Discharge Rate/Flow Measurements

Appropriate flow measurement devices consistent with accepted practices shall be selected, maintained, and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than $\pm 10\%$ from true discharge rates throughout the range of expected discharge volumes.

Section D. Reporting Requirements

1. Planned Changes

The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) [48 FR 14153, April 1, 1983, as amended at 49 FR 38049, September 26, 1984]; or

(b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) [48 FR 14153, April 1, 1983, as amended at 49 FR 38049, September 26, 1984].

2. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Discharge Monitoring Reports

The operator of each lease (or lease block) shall be responsible for submitting monitoring results for all facilities within each lease (or lease block). The monitoring results for the facilities (platform, jack-up, drilling barge, etc.) within the particular lease (or lease block) shall be summarized on the annual Discharge Monitoring Report for that lease (or lease block).

Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1). The highest monthly average for all activity within each lease (or lease block) shall be reported. The highest daily maximum sample taken during the reporting period shall be reported as the daily maximum concentration. (See "Definitions" for more detailed explanations of these terms).

If any category of waste (discharge) is not applicable for all facilities within the lease (or lease block) due to the type of operation (e.g. drilling, production), "no discharge" must be recorded for those categories on the DMR. If all facilities within a lease block have had no activity during the reporting period, then "no activity" must be written on the DMR. All pages of the DMR must be signed and certified as required by Part III.D.11 of this permit and submitted when due.

The Permittee must complete all empty blanks in the DMR unless there has been absolutely no activity or no discharge within the lease (or lease block) for the entire reporting period. In these cases, EPA Region VI will accept a listing of leases (or lease blocks) with no discharges or no activity, in lieu of submitting actual DMRs for these leases (or lease blocks). This listing must specify the permittee's NPDES General Permit Number, lease/lease block description, and EPA-assigned outfall number. The listing must also include the certification statement presented in Part III.D.11.d of this permit and an original signature of the designated responsible official.

Upon receipt of a notification of intent to be covered, (part I.A.) the

permittee will be notified of its specific outfall number applicable to that lease block. Furthermore, the Permittee will be informed of the discharge monitoring report due date for that lease block.

All notices and reports required under this permit shall be sent to EPA Region 6 at the address below:

Director, Water Management Division,
USEPA, Region 6, Enforcement
Branch (6W-EA), P.O. Box 50625,
Dallas, TX 75270.

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased monitoring frequency shall also be indicated on the DMR.

6. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment (this includes any spill that requires oral reporting to the State Regulatory Authority). Information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The following shall be included as information which must be reported within 24 hours:

(a) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(b) Any upset which exceeds any effluent limitation in the permit.

(c) Violations of a maximum daily discharge limitation or daily minimum

toxicity limitation for any of the pollutants listed by the Regional Administrator in part III of the permit to be reported within 24 hours.

The reports should be made to Region 6 by telephone at (214) 655-6593. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under part III, section D, paragraphs 4 and 7 at the time monitoring reports are submitted. The reports shall contain the information listed in section D, paragraph 7.

9. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, it shall promptly submit such facts or information.

10. Changes in Discharges of Toxic Substances

For any toxic pollutant (see appendix A) that is not limited in this permit, either as an additive itself or as a component in an additive formulation, the permittee shall notify the Regional Administrator as soon as he knows or has reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge of such toxic pollutants, on a routine or frequent basis, if that discharge will exceed the highest of the "notification levels" described at 40 CFR 122.42(a)(1) (i) and (ii);

(b) That any activity has occurred or will occur which would result in any discharge of such toxic pollutants, on a non-routine or infrequent basis, if that discharge will exceed the highest of the "notification levels" described at 40 CFR 122.42(a)(2) (i) and (ii).

11. Signatory Requirements

All applications, reports, or information submitted to the Regional Administrator shall be signed and certified as required at 40 CFR 122.22.

(a) All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs

similar policy or decisionmaking functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

(b) *Authorized Representative.* All reports required by the permit and other information requested by the Regional Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above.

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and,

(3) The written authorization is submitted to the Regional Administrator.

(c) *Changes to Authorization.* If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) *Certification.* Any person signing a document under this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

12. Availability of Reports

Except for data determined to be confidential under 40 CFR part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Regional Administrator. As required by the Clean Water Act, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

Section E. Penalties for Violations of Permit Conditions

1. Criminal

(a) *Negligent Violations.* The Act provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

(b) *Knowing Violations.* The Act provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

(c) *Knowing Endangerment.* The Act provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000 per day of violation, or by imprisonment for not more than 15 years, or both.

(d) *False Statements.* The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or

required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment for not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act).

2. Civil Penalties

The Clean Water Act at section 309 provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. The maximum penalty may be assessed for each violation occurring on a single day. A single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

3. Administrative Penalties

The Act at section 309 allows that the Regional Administrator may assess a Class I or Class II civil penalty for violations of sections 301, 302, 306, 307, 308, 318, or 405 of the Act. A Class I penalty may not exceed \$10,000 per violation except that the maximum amount shall not exceed \$25,000. A Class II penalty may not exceed \$10,000 per day for each day during which the violation continues, except that the maximum amount shall not exceed \$125,000. An upset that leads to violations of more than one pollutant parameter will be treated as a single violation.

Part IV

Section A. Test Procedures

For test procedures not specified below, the only authorized procedures are those described at 40 CFR part 136.

1. Visual Sheen Test

The visual sheen test is used to detect free oil by observing the surface of the receiving water for the presence of a sheen while discharging. A sheen is defined as a 'silvery' or 'metallic' sheen,

gloss, or increased reflectivity; visual color; or iridescence on the water surface. The operator must conduct a visual sheen test only at times when a sheen can be observed. This restriction eliminates observations at night or when atmospheric or surface conditions prohibit the observer from detecting a sheen (e.g. fog (not overcast skies), rough seas, etc.). Certain discharges can only occur if a visual sheen test can be conducted.

The observer must be positioned on the rig or platform, or other vantage point, relative to both the discharge point and current flow at the time of discharge, such that the observer can detect a sheen should it surface down current from the discharge. For discharges that have been occurring for at least 15 minutes previously, observations may be made any time thereafter. For discharges of less than 15 minutes duration, observations must be made during both discharge and at 5 minutes after discharge has ceased.

2. Static Sheen Test

Region 10, Modified Static Sheen Test, "Bucket Test"; Combined 50 FR No. 165 August 26, 1985 and USEPA Region 10, Interim Guidance for the Static (Laboratory) Sheen Test, January 10, 1984

1. Scope and Application

The static sheen test is to be used as a compliance test for all discharges in this permit with the "no free oil discharge" requirement, when it is not possible for the operator to accomplish a visual sheen observation on the surface of the receiving water. This would preclude an operator from attempting a visual sheen observation when atmospheric or surface conditions prohibit the observer from detecting a sheen (e.g., during rough seas, etc.). Free oil refers to any oil contained in a waste stream that when discharged will cause a film or sheen upon or a discoloration of the surface of the receiving water.

2. Summary of Method

15 ml samples of drilling fluids; deck drainage, well treatment, completion and workover fluids, formation test fluids, or treated wastewater from drilling fluid dewatering activities, or 15 gm (wet weight basis) samples of drill cuttings or produced sand are introduced into ambient seawater in a container having an air to liquid interface area of 1000 cm² (155.5 in²). Samples are dispersed within the container and observations made no more than one hour later to ascertain if these materials cause a sheen, iridescence, gloss, or increased

reflectance on the surface of the test seawater. The occurrence of any of these visual observations will constitute a demonstration that the tested material contains "free oil", and therefore, results in a prohibition on its discharge into receiving waters.

3. Interferences

Residual "free oil" adhering to sampling containers, the magnetic stirring bar used to mix drilling fluids, and the stainless steel spatula used to mix drill cuttings will be the principal sources of contamination problems. These problems should only occur if improperly washed and cleaned equipment are used for the test. The use of disposable equipment minimizes the potential for similar contamination from pipets and the test container.

4. Apparatus, Materials, and Reagents

4.1 Apparatus.

4.1.1 Sampling Containers—1 L polyethylene beakers and 1 L glass beakers.

4.1.2 Graduated cylinder—100 ml graduated cylinder required only for operations where predilution of mud discharges is required.

4.1.3 Plastic disposable weighing boats.

4.1.4 Triple-beam scale.

4.1.5 Disposable pipets—25 ml disposable pipets.

4.1.6 Magnetic stirrer and stirring bar.

4.1.7 Stainless steel spatula.

4.1.8 Test container—open plastic container whose internal cross-section parallel to its opening has an area of 1000±50 cm² (155.5±7.75 in²), and a depth of at least 13 cm (5 inches) and no more than 30 cm (11.8 inches).

4.2 Materials and Reagents.

4.2.1 Plastic liners for the test container—Oil free, heavy duty plastic trash can liners that do not inhibit the spreading of an oil film. Liners must be of sufficient size to completely cover the interior surface of the test container. Permittees must determine an appropriate local source of liners that do not inhibit the spreading of 0.05 ml diesel fuel added to the lined test container under the test conditions and protocol described below.

4.2.2 Ambient receiving water.

5. Calibration

None currently specified.

6. Quality Control Procedures

None currently specified.

7. Sample Collection and Handling

7.1 Sampling containers must be thoroughly washed with detergent,

rinsed a minimum of three times with fresh water, and allowed to air dry before samples are collected.

7.2 Samples of drilling fluid to be tested shall be taken at the shale shaker after cuttings have been removed. The sample volume should range between 200 ml and 500 ml.

7.3 Samples of drill cuttings will be taken from the shale shaker screens with a clean spatula or similar instrument and placed in a glass beaker. Cuttings samples shall be collected prior to the addition of any washdown water and should range between 200 g and 500 g.

7.4 Samples of produced sand must be obtained from the solids control equipment from which the discharge occurs on any given day and shall be collected prior to the addition of any washdown water; samples should range between 200 g and 500 g.

7.5 Samples of deck drainage, well treatment, completion and workover fluids, formation test fluids and treated wastewater from drilling fluid dewatering activities must be obtained from the holding facility prior to discharge; the sample volume should range between 200 ml and 500 ml.

7.6 Samples must be tested no later than 1 hour after collection.

7.7 Drilling fluid samples must be mixed in their sampling containers for 5 minutes prior to the test using a magnetic bar stirrer. If predilution is imposed as a permit condition, the sample must be mixed at the same ratio with the same prediluting water as the discharged muds and stirred for 5 minutes.

7.8 Drill cuttings must be stirred and well mixed by hand in their sampling containers prior to testing, using a stainless steel spatula.

8. Procedure

8.1 Ambient receiving water must be used as the "receiving water" in the test. The temperature of the test water shall be as close as practicable to the ambient conditions in the receiving water, not the room temperature of the observation facility. The test container must have an air to liquid interface area of 1000±50 cm². The surface of the water should be no more than 1.27 cm (½ inch) below the top of the test container.

8.2 Plastic liners shall be used, one per test container, and discarded afterwards. Some liners may inhibit spreading of added oil; operators shall determine an appropriate local source of liners that do not inhibit the spreading of the oil film.

8.3 A 15 ml sample of drilling fluid, deck drainage, well treatment, completion and workover fluids, formation test fluids, or treated

wastewater from drilling fluid dewatering activities must be introduced by pipet into the test container 1 cm below the water surface. Pipets must be filled and discharged with test material prior to the transfer of test material and its introduction into test containers. The test water-test material mixture must be stirred using the pipet to distribute the test material homogeneously throughout the test water. The pipet must be used only once for a test and then discarded.

8.4 Drill cuttings or produced sand should be weighed on plastic weighing boats; 15 gram samples must be transferred by scraping test material into the test water with a stainless steel spatula. Drill cuttings shall not be prediluted prior to testing. Also, drilling fluids and cuttings will be tested separately. The weighing boat must be immersed in the test water and scraped with the spatula to transfer any residual material to the test container. The drill cuttings or produced sand must be stirred with the spatula to an even distribution of solids on the bottom of the test container.

8.5 Observations must be made no later than 1 hour after the test material is transferred to the test container. Viewing points above the test container should be made from at least three sides of the test container, at viewing angles of approximately 60° and 30° from the horizontal. Illumination of the test container must be representative of adequate lighting for a working environment to conduct routine laboratory procedures. It is recommended that the water surface of the test container be observed under a fluorescent light source such as a dissecting microscope light. The light source shall be positioned above and directed over the entire surface of the pan.

8.6 Detection of a "silvery" or "metallic" sheen, gloss, or increased reflectivity; visual color; or iridescence; or an oil slick, on the water surface of the test container surface shall constitute a demonstration of "free oil". These visual observations include patches, streaks, or sheets of such altered surface characteristics, shall constitute a demonstration of free oil. If the free oil content of the sample approaches or exceeds 10 percent, the water surface of the test container may lack color, a sheen or iridescence, due to the increased thickness of the film; thus, the observation for an oil slick is required. The surface of the test container shall not be disturbed in any manner that reduces the size of any sheen or slick that may be present.

If an oil sheen or slick occurs on less than one-half of the surface area after drilling muds or cuttings are introduced to the test container, observations will continue for up to one hour. If the sheen or slick increases in size and covers greater than one-half of the surface area of the test container during the observation period, the discharge of the material shall cease. If the sheen or slick does not increase in size to cover greater than one-half of the test container surface area after one hour of observation, discharge may continue and additional sampling is not required.

If a sheen or slick occurs on greater than one-half of the surface area of the test container after the test material is introduced, discharge of the tested material shall cease. The permittee may retest the material causing the sheen or slick. If subsequent tests do not result in a sheen or slick covering greater than one-half of the surface area of the test container, discharge may continue.

Section B. Definitions

Administrator means the administrator of EPA Region 6, or an authorized representative.

Areas of Biological Concern (ABC) are locations identified by the State of Texas as "no activity zones" or areas determined by EPA and the State, collectively, containing significant biological resources or features that require a "No Discharge" condition. There are currently no designated areas of biological concern.

Average daily discharge limitation means the highest allowable average of discharges over a 24-hour period, calculated as the sum of all discharges measured divided by the number of discharges measured that day.

Average monthly discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of discharges measured that month.

Batch or bulk discharge means any discharge of a discrete volume or mass of effluent from a pit, tank, or similar container that occurs on a one time or infrequent or irregular basis.

Batch or bulk treatment means any treatment of a discrete volume or mass of effluent from a pit, tank, or similar container prior to discharge.

Blow-out preventer control fluid is fluid used to actuate the hydraulic equipment on the blow-out preventer.

BOD5 means five day biochemical oxygen demand.

Boiler blowdown is discharge from boilers necessary to minimize solids

build-up in the boilers, includes vents from boilers and other heating systems.

Clinkers are small lumps of melted plastic.

Coastal means all waters of the United States (as defined at 40 CFR 122.2) landward of the territorial seas.

COD is chemical oxygen demand.

Completion fluids are salt solutions, weighted brines, polymers or various additives used to prevent damage to the well bore during operations which prepare the drilled well for hydrocarbon production. These fluids move into the formation and return to the surface as a slug with the produced water. Drilling muds remaining in the wellbore during logging, casing and cementing operations or during temporary abandonment of the well are not considered completion fluids and are regulated by drilling fluids requirements.

Daily maximum discharge limitation means the highest allowable "daily discharge" during the calendar month.

Deck drainage is all waste resulting from platform washings, deck washings, spills, rainwater, and runoff from curbs, gutters, and drains, including drip pans and wash areas.

Desalinization unit discharge means wastewater associated with the process of creating fresh water from seawater.

Diatomaceous earth filter media means filter media used to filter seawater or other authorized completion fluids and subsequently washed from the filter.

Domestic waste is discharges from galleys, sinks, showers, safety showers, eye wash stations, hand wash stations and laundries.

Drill cuttings are particles generated by drilling into the subsurface geological formations and carried to the surface with the drilling fluid.

Drilling fluid is any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

Excess Cement Slurry is the excess cement including additives and wastes from equipment washdown after a cementing operation.

Free Oil is oil that causes a sheen when discharges are released or when a static sheen test is used.

Formation test fluids are the discharge that would occur should hydrocarbons be located during exploratory drilling and tested for formation pressure and content.

Garbage means all kinds of victual, domestic and operational waste . . . generated during the normal operation of the ship and liable to be disposed of continuously or

periodically . . . (See MARPOL 73/78 regulations).

Grab sample is a single representative effluent sample taken at the recognized discharge point in as short a period of time as feasible.

Graywater means drainage from dishwater, shower, laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo areas. (See MARPOL 73/78 regulations).

Inverse emulsion drilling fluids means an oil-based drilling fluid that also contains a large amount of water.

Maximum hourly rate means the greatest number of barrels of drilling fluids discharged within one hour, expressed as barrels per hour.

MGD refers to units of flow measurement, as million gallons per day.

MPN means the most probable number.

Muds, cuttings, and cement at the seafloor are discharges which occur at the seafloor prior to installation of the marine riser and during marine riser disconnect and well abandonment and plugging operations.

No Activity Zones are those areas identified by MMS where no structures, drilling rigs, or pipelines will be allowed. See Areas of Biological Concern.

No Discharge Areas are areas specified by EPA where discharge of pollutants may not occur.

Packer Fluid means low solids fluids between the packer, production string and well casing. (See workover fluids).

Priority Pollutants are those chemicals or elements identified by EPA, pursuant to section 307 of the Clean Water Act, and 40 CFR 401.15. See Appendix A.

Sanitary waste means human body waste discharged from toilets and urinals.

Source water and sand means water from non-hydrocarbon bearing formations for the purpose of pressure maintenance or secondary recovery, including the entrained solids.

Static Sheen is the procedure described in Part IV, Section A.2. of the permit.

TDS means total dissolved solids.

Territorial Seas is "the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open ocean and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles" (CWA Section 502).

Toxic Pollutants (See Priority Pollutants, Appendix A)

Treated wastewater from dewatered drilling fluids and cuttings means wastewater from dewatering activities (including but not limited to reserve pits which have been flocculated or otherwise chemically or mechanically treated to meet specific discharge conditions) and any waste commingled with this water.

TSS means total suspended solids.

Untaminated ballast/bilge water is seawater added or removed to maintain proper draft of a vessel.

Untaminated Freshwater means freshwater which is returned to the receiving stream without the addition of any chemicals; included are (1)

Discharges of excess freshwater that permit the continuous operation of fire control and utility lift pumps, (2) excess freshwater from pressure maintenance and secondary recovery projects, (3) water released during the training and testing of personnel in fire protection, (4) water used to pressure test piping, (5) once-through, non-contact cooling water, and (6) potable water released during transfer and tank emptying operations and condensate from air conditioning units.

Untaminated Seawater is seawater which is returned to the sea without the addition of chemicals. Included are: (1) Discharges of excess seawater which permit the continuous operation of fire control and utility lift pumps, (2) excess seawater from pressure maintenance and secondary recovery projects, (3) water released during the training and testing of personnel in fire protection, (4) sea-water used to pressure test piping, and (5) once-through, non-contact cooling water.

Visual Sheen means a 'silvery' or 'metallic' sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.

Well Treatment (stimulation) Fluids means any fluid used to restore or improve productivity by chemically or physically altering hydrocarbon-bearing strata after a well has been drilled. These fluids move into the formation and return to the surface as a slug with the produced water. Stimulation fluids include substances such as acids, solvents and propping agents.

Workover Fluids means salt solutions, weighted brines, polymers or other specialty additives used in a producing well to allow safe repair and maintenance or abandonment procedures. High solids drilling fluids used during workover operations are not considered workover fluids by definition and therefore must meet drilling fluid effluent limitations before discharge may occur. Packer fluids, low solids fluids between the packer, production string and well casing, are considered to be workover fluids and must meet only the effluent requirements imposed on workover fluids.

TABLE 1.—PERMIT CONDITIONS AND DISCHARGE MONITORING FREQUENCY

Effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type/method	Recorded value(s)

(A) Drilling Fluids—no discharge.

(B) Drill Cuttings—no discharge.

(C) Treated Wastewater from Drilling Fluids/Cuttings, Dewatering Activities, and Pit Closure Activities.

Free oil	No free oil	Once/day ¹	Visual sheen on receiving water ² .	Number of days sheen observed.
Oil and grease	15 mg/l	Once/day ¹	Grab	Daily maximum.
TSS	50 mg/l	Once/day ¹	Grab	Daily maximum.
TDS	3,000 mg/l ³	Once/day ¹	Grab	Daily maximum.
COD	200 mg/l	Once/day ¹	Grab	Daily maximum.
pH	6.0–9.0 ⁴	Once/day ¹	Grab	pH value.
Chlorides	500 mg/l ³	Once/day ¹	Grab	Daily maximum.
.....	1,000 mg/l ³	Once/day ¹	Grab	Daily maximum.
Hazardous Metals	No discharge ³	Once/day ¹	Grab	Daily maximum.

TABLE 1.—PERMIT CONDITIONS AND DISCHARGE MONITORING FREQUENCY—Continued

Effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type/method	Recorded value(s)
Volume	Report (bbbl)	Once/day ¹	Estimate	Daily total. ⁶
(O) Deck Drainage.				
Free oil	No free oil	Once/day ⁵	Visual sheen on receiving water ¹⁰ .	Number of days sheen observed.
Volume	Report (bbbl)	Once/month	Estimate	Monthly total. ⁶
(E) Formation Test Fluids—No discharge of formation test fluids to lakes, rivers, streams, bays and estuaries. Exception: for bays and estuaries where no chloride standards have been established by the Texas Water Commission, the following discharge limitations and monitoring requirements shall apply:				
Free oil	No free oil	Once/discharge	Visual sheen on receiving water ² .	Number of days sheen observed.
pH	6.0–9.0 ⁴	Once/discharge	Grab	pH value.
Volume	Report (bbbl)	Once/discharge	Estimate	Monthly total. ⁶
(F) Well Treatment, Completion, and Workover Fluids—There shall be no discharge of well treatment, completion and workover fluids to lakes, rivers, streams, bays or estuaries. Exception: for bays and estuaries where no chloride standards have been established by the Texas Water Commission, the following limitations and monitoring requirements shall apply:				
Priority Pollutants	No discharge	Once/day ¹	Certification ⁷	Number of days sheen observed.
Free oil	No free oil	Once/day ¹	Visual sheen on receiving water ² .	pH value.
pH	6.0–9.0 ⁴	Once/day ¹	Grab	Monthly total.
Volume	Report (bbbl)	Once/month ¹	Estimate	
(G) Sanitary Waste.				
Solids	No floating solids	Once/day	Observation ⁸	Number of days solids observed.
BOD5	45 mg/l	Once/quarter	Grab	Daily maximum.
TSS	45 mg/l	Once/quarter	Grab	Daily maximum.
Fecal	200/100 ml	Once/week	Grab	Daily maximum.
Flow	Report (MGD)	Once/month	Estimate	Monthly avg. ⁶
(H) Domestic Waste.				
Solids	No discharge ⁹			
(I) Miscellaneous Discharges: Desalination Unit Discharge, Blowout Preventer Fluid, Uncontaminated Ballast Water, Uncontaminated Bilge Water, Mud, Cuttings, and Cement at the Seafloor, Uncontaminated Seawater, Boiler Blowdown, Excess Cement Slurry, Diatomaceous Earth Filter Media, Uncontaminated Freshwater including potable water releases during tank transfer and emptying operations, and condensate from air conditioner units.				
Free oil	No free oil	Once/day ¹	Visual sheen on receiving water ² .	Number of days sheen observed

1. When discharging.
2. Discharge is possible during times other than when a visual sheen observation is possible, if the static sheen test method is used.
3. See permit; Part II A.3.b.
4. pH at the point of discharge shall not be less than 6.0 or greater than 9.0.
5. When discharging and when the facility is manned.
6. Information shall be recorded, but not reported unless specifically requested by EPA.
7. No discharge except in trace amounts. Certification that each discharge does not contain priority pollutants (except in trace amounts) on DMR's will suffice for reporting priority pollutant limits. Information on the specific chemical composition shall be recorded but not reported unless requested by EPA.
8. Monitoring by visual observation of the surface of the receiving water in the vicinity of outfall(s) shall be done during daylight at the time of maximum estimated discharge.
9. Annex V of MARPOL 73/78 prohibits the discharge of "garbage" including food wastes, incineration ash and clinkers. Graywater, drainage from dishwasher, shower, laundry, bath, and washbasins may be discharged.
10. Monitoring of visual sheen to be made at times when visual observations can be made.

Appendix A—Priority Pollutant List

Acenaphthene	Methyl chloride (dichloromethane)	2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD)
Acrolein	Methyl bromide (bromomethane)	Dieldrin
Acrylonitrile	N-nitrosodiphenylamine	Chlordane (tech. mixture and metabolites)
Benzene	Bromoform (tribromomethane)	4,4-DDT
Benzidine	Dichlorobromomethane	4,4-DDE (p,p-DDX)
Carbon tetrachloride (tetrachloromethane)	Chlorodibromomethane	4,4-DDD (p,p-EDE)
Chlorobenzene	Hexachlorobutadiene	Alpha-endosulfan
1,2,4-trichlorobenzene	Hexachlorocyclopentadiene	Beta-endosulfan
Hexachlorobenzene	Isophorone	Endosulfan sulfate
1,2-dichloroethane	Naphthalene	Endrin
1,1,1-trichloroethane	Nitrobenzene	Endrin aldehyde
Hexachloroethane	2-nitrophenol	Heptachlor
1,1-dichloroethane	4-nitrophenol	Heptachlor epoxide (BHC-hexachloro-cyclohexane)
1,1,2-trichloroethane	2,4-dinitrophenol	Alpha-BHC
1,1,2,2-tetrachloroethane	4,6-dinitro-o-cresol	Beta-BHC
Chloroethane	N-nitrosodimethylamine	Gamma-BHC (lindane)
Bis(2-chloroethyl) ether	N-nitrosodi-n-propylamine	Delta-BHC (PCB-polychlorinated biphenyl)
2-chloroethyl vinyl ether (vinyl chloride)	Pentachlorophenol	PCB-1242 (Arochlor 1242)
2-chloronaphthalene	Phenol	PCB-1254 (Arochlor 1254)
2,4,6-trichlorophenol	Bis(2-ethylhexyl) phthalate	PCB-1221 (Arochlor 1221)
Parachloromercurosof	Butyl benzyl phthalate	PCB-1212 (Arochlor 1212)
Chloroform (trichloromethane)	Di-n-butyl phthalate	PCB-1248 (Arochlor 1248)
2-chlorophenol	Di-n-octyl phthalate	PCB-1260 (Arochlor 1260)
1,2-dichlorobenzene	Diethyl phthalate	PCB-1898 (Arochlor 1898)
1,3-dichlorobenzene	Dimethyl phthalate 1,2-benzanthracene (benzo(a)anthracene)	Toxaphene
1,4-dichlorobenzene	Benzo (a) pyrene (3,4-benzopyrene)	Antimony
3,3-dichlorobenzene	3,4-Benzofluoranthene (benzo (b) fluorene)	Arsenic
1,1-dichloroethylene	1,1,2-benzofluoranthene (benzo (k) fluoranthene)	Asbestos
2,4-dichlorophenol	Chrysene	Beryllium
1,2-dichloropropane	Acenaphthylene	Cadmium
1,2-dichloropropylene (1,3-dichloropropene)	Anthracene	Chromium
2,4-dimethylphenol	1,12-benzoperylene (benzo(ghi)perylene)	Copper
2,4-dinitrotoluene	Fluorene	Cyanide, Total
2,6-dinitrotoluene	Phenanthrene	Lead
1,2-diphenylhydrazine	1,2,5,6-dibenzanthracene (dibenzo(h) anthracene)	Mercury
Ethylbenzene	Indans (1,2,3-ef) pyrene(2,3g) phenylene pyrene) Pyrene	Nickel
Fluoranthene	Tetrachloroethylene	Selenium
4-chlorophenyl phenyl ether	Toluene	Silver
4-bromophenyl phenyl ether	Trichloroethylene	Thallium
Bis(2-chloroisopropyl) ether	Vinyl chloride (chloroethylene)	Zinc
Bis(2-chloroethoxy) methane		
Methylene chloride (dichloromethane)		