FINAL GENERAL PERMIT MODIFICATION FOR DISCHARGES FROM THE OIL AND GAS EXTRACTION POINT SOURCE TO COASTAL WATERS OF TEXAS AND ONSHORE STRIPPER WELL CATEGORY EAST OF THE 98TH MERIDIAN

(Permit No. TXG330000)

U.S. Environmental Protection Agency
Region 6
1445 Ross Ave.
Dallas, TX 75202

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq: the "Act"), this permit regulates discharges from existing source and New Source oil and gas wells in the Coastal Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR 435, Subpart D) in Texas. In addition, this permit regulates the discharge of produced water from the Stripper Subcategory (40 CFR 435, Subpart F) wells to waters of Texas. This permit prohibits the discharge of Offshore Subcategory produced water to coastal waters. The discharges are regulated in accordance with effluent limitations and other conditions set forth in Parts I and II of this permit.

In order for discharges to be authorized by this permit, operators must submit either a written or an electronic notification to the Regional Administrator that they intend to be covered (See Part I.A.2). Operators who fail to notify the Regional Administrator of intent to be covered are not authorized to discharge under this general permit.

Facilities which may adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit, unless such effects have been addressed in a written agreement with the State Historic Preservation Officer (SHPO).

This permit modification shall become effective at midnight, Central Time on SEP 11 2014

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This permit and the authorization to discharge shall expire at midnight, Central Time, July 30, 2017.

Signed this date: SEP 11 2014

William K. Honker, P.E.
Director
Water Quality Protection Division
EPA Region 6

PART I.

SECTION A. PERMIT APPLICABILITY AND COVERAGE CONDITIONS

1. DISCHARGES COVERED

This permit regulates discharges from existing source and New Source oil and gas wells in the Coastal Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR 435, Subpart D) in Texas. In addition, this permit authorizes discharges, including produced water, from Stripper Subcategory (40 CFR 435, Subpart F) wells to waters of Texas. This permit prohibits the discharge of Offshore Subcategory produced water to those coastal waters.

2. NOTICE OF INTENT (NOI) TO BE COVERED

Operators desiring authorization to discharge under this general NPDES permit must submit a Notice of Intent (NOI) to be covered. Facilities located in the same lease block (or state tract) may be filed under one NOI. A facility means any structure used for oil or gas extraction purpose (i.e., exploratory, development, and/or production activity) and meets NPDES "point source" or any structure or activity that is subject to regulation under the NPDES program. Facilities which do not discharge are not required to file an NOI for coverage and consequently are not covered by this permit.

"Operator" - for the purpose of this permit and only in the context of discharges associated with oil and gas exploration, development, and production activities regulated by this permit, means any party that meets any of the following three criteria:

a. The party possesses the lease for the block where the exploration, development, or production activity will take place and has operational control over exploration, development, or production activities, including the ability to hire or fire contactors who conduct the actual work that results in discharges regulated by the permit; or

b. The party has day-to-day operational control of those activities at an exploration, development, or production project which are necessary to ensure compliance with permit; or

c. The party has operational control over a vessel or other mobile facility with cooling water intake structures subject to CWA 316(b).

A separate NOI is required for each lease block and that NOI shall include all discharges controlled by the operator within the block. EPA may deny an NOI within 45 days after the filing. All NOIs shall include, but not limited to, the following information:

a) the legal names and contact information of the lessee or designated operator registered with the state of Texas;
b) the legal name and contact information of the operator who files the eNOI;
c) the permit number (if any) previously assigned to the operator;

d) the lease block (including state tract) code and number assigned by the State ;
e) the name and/or identification and location including geographic coordinates (latitude and longitude) of each facility operated by the operator;
f) the types of discharges, estimated volumes, associated sources (facilities or wells) under the control of the operator, and the name of receiving water;
g) expected/actual drill/discharge commence date and well locations;
h) for facilities for which construction was commenced after July 17, 2006: design intake capacity (million gallons per day) of each cooling water intake structure (CWIS), the maximum designed intake through-screen velocity (feet per second) of each CWIS, and the percentage (%) of total intake water used for cooing purpose; and
i) whether the NOI is being submitted to transfer coverage due to a merger or acquisition and if so, the identification of the affected parties, timing of the transfer of operational control, and confirmation that notice had been submitted to EPA;

For operators that determine they have a discharge to an impaired water (e.g., via http://www.epa.gov/waters/ir/index.html), the permit requires that the permittee provide the following supplemental information on the NOI:

j) a list of all impaired waters in the lease block for which the NOI is submitted;
k) the pollutant(s) for which the water is impaired;
l) whether a TMDL has been approved or established by EPA for that pollutant; and
m) if so, the title or reference of the TMDL document.

For facilities covered under the 2007 permit, a new NOI must be submitted within 90 days of the effective date of this permit for continued coverage under this permit. For leases obtained subsequent to the effective date of this permit, or for which the operator did not have coverage under the 2007 permit, the NOI must be submitted prior to the commencement of any discharge.

If an owner or operator who operates under the 2007 permit does not file the NOI within 90 days from the permit effective date, that owner or operator is not authorized to discharge under this new permit and is required to file a new NOI before discharges will be authorized.

The EPA will accept late NOIs, but authorization to discharge will not begin until submittal of a complete NOI.

After submission of the NOI, operators requesting coverage are authorized to discharge under this general permit. However, EPA has up to 45 days to deny coverage for new NOIs.

Should this permit not be reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect for discharges that were covered prior to expiration. Permitees granted permit coverage prior to the expiration date remain automatically covered by this permit until the earliest of:

- Submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the discharges; or

- A final permit decision by EPA not to reissue this general permit, at which time EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this time period.

During the any administrative continuance period, existing coverage may be transferred in accordance with item 4(b) below during any administratively continued period of the permit, but NOIs for new coverage cannot be accepted.

All notices of intent to be covered and any subsequent reports shall be sent to the following address:

Water Enforcement Branch (6EN-WC)
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202

3. TERMINATION OF PERMIT COVERAGE BY A PERMITTEE

Permittees shall notify EPA, by submission of a Notice of Termination (NOT), within 60 days after the permanent termination of discharges from a facility. NOTs shall be submitted to the same address as NOIs.

4. TRANSFERS DUE TO MERGER AND/OR ACQUISITION

Owner/operators who are involved in merger or acquisition shall transfer coverage in the following manner during the term of this permit, including any administrative continuance should the permit not be reissued prior to expiration.

a) During the initial term of permit: New operator shall submit NOI prior to taking operational control and old operator shall submit NOT within 60 days of terminating operational control.
b) During any 'administratively continued" term of the permit following the indicated expiration date: New operator shall submit NOI to transfer coverage at least 30 days prior to taking operational control and old operator shall submit NOT within 60 days of terminating operational control. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability between themselves.

SECTION B-1. GENERAL PERMIT LIMITS FOR COASTAL SUBCATEGORY

Permittees shall not discharge nor shall they cause or allow the discharge of pollutants regulated under this permit except in compliance with its limitations and terms. Permittees of facilities generating pollutants regulated under this permit shall take reasonable positive steps to assure pollutants are not unlawfully discharged to waters of the United States by third parties and shall maintain documentation of those steps for no less than three years.

Effluent limitations of this permit include (See also the limitations summary in subsection 12.)

1. DRILLING FLUID - No discharge.

2. DRILL CUTTINGS - No Discharge.

3. PRODUCED WATER – No Discharge.

4. PRODUCED SAND - No Discharge.

5. DEWATERING EFFLUENT - No Discharge.

6. DECK DRAINAGE - No Discharge of free oil, as determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen).

   Monitoring shall be 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. Corrective actions must be taken and recorded when a sheen is observed.

7. FORMATION TEST FLUIDS - No Discharge, except to bays and estuaries where no chloride standards have been established.

   Where discharges are allowed, the limits are:

   No free oil as determined by the static sheen test. Monitoring shall be once per day.

   pH ranges from 6.0 to 9.0 Standard Units. A grab sample must be taken once per discharge event.

8. WELL TREATMENT, COMPLETION AND WORKOVER FLUIDS - No Discharge

9. DOMESTIC WASTE - No discharge of floating solids or garbage or foam.

10. SANITARY WASTE -

    No floating solids

BOD5 - 45 mg/l daily maximum. Monitoring shall be once per week using grab samples.

TSS - 45 mg/l daily maximum. Monitoring shall be once per week using grab samples.

Enterococci - 35 cfu (or MPN) per 100 ml daily average (geometric mean) and 104 per 100 ml daily maximum. Monitoring shall be once per week using grab samples. OR,

Enterococci - 35 cfu (or MPN) per 100 ml daily maximum. Monitoring shall be once per week using grab samples. (Applied to bacteria-impaired water only) OR,

Fecal Coliform - 14 cfu (or MPN) per 100 ml daily maximum. Monitoring shall be once per week using grab samples. (Applied to bacteria-impaired oyster water only)

Note: Total residual chlorine be maintained as close to 1 mg/l as possible for facilities continuously manned by ten or more persons.

11. MISCELLANEOUS DISCHARGES -
Distillation and reverse osmosis brine
Blowout preventer fluid
Uncontaminated ballast and bilge water
Mud, cuttings and cement at the sea floor
Boiler blowdown
Excess cement slurry
Diatomaceous earth filter media
Uncontaminated water

For miscellaneous discharges, the discharge of free oil is 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. Discharge may occur at any time if the operator uses the static sheen method for detecting free oil. Monitoring shall be once per day, when discharging.

12. 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.

13. TABLE - SUMMARY OF EFFLUENT LIMITATIONS, PROHIBITIONS AND MONITORING REQUIREMENTS FOR COASTAL SUBCATEGORY

Discharge	**Regulated & Monitored Discharged Parameter**	**Discharge Limitation/ Prohibition**	**Measurement Frequency**	**Sample Type/Method**
Drilling Fluid		No Discharge		
Drill Cuttings		No Discharge		
Produced Water		No Discharge		
Deck Drainage	Free Oil	No Free Oil – report number of days sheen observed	Once/day(*1)	Visual Sheen
Formation Test Fluid (*2)	Free Oil	No Free Oil – report number of days sheen observed	Once/day(*1)	Visual Sheen
	pH	6.5-9.0 s.u	Once/discharge	Grab
Well treatment fluids, completion fluids, and workover fluids		No Discharge		
Domestic Waste	Ffloating solids or garbage or foam	No discharge		
Sanitary waste	Residual chlorine(*3)	1 mg/l (minimum)	Once/month	Grab
	Solids	No Floating Solids	Once/day	Observation.....
	BOD5	45 mg/l, Daily max.	Once/week	Grab
	TSS	45 mg/l, Daily max.	Once/week	Grab
	Enterococci (Only for discharges to non-bacteria impaired waterbodies)	104 cfu or MPN per 100 ml - Daily Max. 35 cfu or MPN per 100 ml – Daily Avg.	Once/week	Grab
	Enterococci (Only for discharges to bacteria impaired waterbodies)	35 cfu or MPN per 100 ml – Daily Max.	Once/week	Grab
	Fecal coloiform (Only for discharges to bacteria impaired oyster waterbodies)	14 cfu or MPN per 100 ml - Daily Max.	Once/week	Grab
Miscellaneous discharges	Free oil	No free oil. Report number of days sheen observed	Once/day (*1)	Visual sheen or static sheen

Footnotes

*1 When discharging and facility is manned. Monitoring shall be accomplished during times when observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge.

*2 Formation test fluids may only discharge to bays or estuaries where no chloride standards have been established.
*3 Total residual chlorine limit only applies to a facility continually manned with 10 or more person. Minimum of 1 mg/l and maintained as close to this concentration as possible.

14. REQUIRING AN INDIVIDUAL PERMIT OR ADDITIONAL LIMITATIONS

A permittee who discharges to impaired waters may be informed if coverage under an individual permit is necessary in accordance with new information available.

SECTION B-2. GENERAL PERMIT LIMITS FOR STRIPPER SUBCATEGORY

Permittees shall not discharge nor shall they cause or allow the discharge of pollutants regulated under this permit except in compliance with its limitations and terms. Permittees of facilities generating pollutants regulated under this permit shall take reasonable positive steps to assure pollutants are not unlawfully discharged to waters of the United States by third parties and shall maintain documentation of those steps for no less than three years.

Effluent limitations of this permit include (See also the limitations summary in Table 1):

1. DRILLING FLUID - No discharge.

2. DRILL CUTTINGS - No Discharge.

3. PRODUCED WATER

(A) Produced water from existing stripper facilities in the Stripper Subcategory located east of the 98th meridian whose produced water comes from the Carrizo/Wilcox, Reklaw or Bartosh formations in Texas and whose produced water does not exceed 3000 mg/l total dissolved solids may discharge produced water subject to the following limits and conditions.

(1) Monitor flow once per month and report an estimate of the flow in MGD (million gallons per day).

(2) Monitor total dissolved solids once per year and report as the daily maximum (mg/l). The sample type may be either grab, or a 24-hour composite consisting of the arithmetic average of the results of 4 grab samples taken over a 24-hour period. Discharges of produced water are not authorized if the daily maximum total dissolved solids exceed 3000 mg/l.

(3) Oil and grease shall not exceed 25 mg/l monthly average and 35 mg/l daily maximum. Monitor oil and grease once per month by grab sample.

(4) No Discharge of free oil, as determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen). Visual inspection once per month.

(5) An acute toxicity test at the 100% of critical dilution shall be performed once per year as described below:

a. For Existing Facilities Discharge To Coastal Waters: The existing stripper well facility must conduct the first 24-hour acute toxicity test (see Section C-1 below for details) within 60 days from the effective date of permit coverage for each existing produced water discharge outfall to the coastal water. If a facility collects produced waters from varied wells and disposes the combined waste at one outfall, only one

toxicity test is required. Discharges of produced water are not authorized if the facility either fails to conduct the test or fails the test result. After the failure of the toxicity test, the discharge of produced water can only be resumed after it passes two confirmation tests.

b. For Existing Facilities Discharge To Freshwaters: The existing stripper well facility must conduct the first 24-hour acute toxicity test (see Section C-2 below for details) within 60 days from the effective date of permit coverage for each existing produced water discharge outfall. If a facility collects produced waters from varied wells and disposes the combined waste at one outfall, only one toxicity test is required. If an existing facility which discharges to freshwater waterbodies fails the acute toxicity test as defined in Section C-2, it shall take appropriate corrective actions to comply with the acute Toxicity LC-50 limit by October 1, 2017.

c. For New Facilities Discharge To Freshwaters: New stripper wells must pass the 24-hour toxicity test (see Section C-2 below for details) prior to discharging produced waters. For the purposes of this limitation, a new stripper well is one that either did not meet the definition of a stripper well until after the effective date of this permit or has not discharged produced water prior to the effective date of this permit.

d. The sample type for 24-hour acute toxicity tests may be either grab, or a 24-hour composite consisting of the arithmetic average of the results of 4 grab samples taken over a 24-hour period.

e. For produced water discharged to impaired waters, additional conditions are established below.

(1) For authorized discharges to an impaired waterbody that is impaired for zinc, the produced water discharges must also be monitored once per month for total zinc. The sample type for above tests may be either grab, or a 24-hour composite consisting of the arithmetic average of the results of 4 grab samples taken over a 24-hour period. The analytical method used for zinc analyses must be sufficiently sensitive to detect 20 µg/l or below.

(2) For authorized discharges to an impaired waterbody that is impaired for mercury, the produced water discharges must also be monitored once per month for total mercury. The sample type for above tests may be either grab, or a 24-hour composite consisting of the arithmetic average of the results of 4 grab samples taken over a 24-hour period. The analytical method used for mercury analyses must be sufficiently sensitive to detect 0.005 µg/l or below.

(3) For authorized discharges to an impaired waterbody that is impaired for metals other than mercury or zinc, the produced water discharges must also be monitored once per month for that (those) metal(s). The sample type for above tests may be either grab, or a 24-hour composite consisting of the arithmetic average of the results of 4 grab samples taken over a 24-hour period.

(4) New stripper wells are prohibited from discharging produced waters to an impaired waterbody that is impaired for dissolved oxygen. For the purposes of this limitation, a new stripper well is one that either did not meet the definition of a stripper well until after the effective date of this permit or has not discharged produced water prior to the effective date of this permit.

(B) Produced water discharges from facilities that do not meet the requirements established under this subsection B-2.3 are violations of the permit.

4. PRODUCED SAND - No Discharge.

5. DEWATERING EFFLUENT - No Discharge.

6. DECK DRAINAGE - No Discharge of free oil, as determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen).

   Monitoring shall be 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. Corrective actions must be taken and recorded when a sheen is observed.

7. FORMATION TEST FLUIDS - No Discharge, except to bays and estuaries where no chloride standards have been established.

   Where discharges are allowed, the limits are:

   No free oil as determined by the static sheen test. Monitoring shall be once per day.

   pH ranges from 6.0 to 9.0 Standard Units. A grab sample must be taken once per discharge event.

8. WELL TREATMENT, COMPLETION AND WORKOVER FLUIDS - No Discharge

9. DOMESTIC WASTE - No discharge of floating solids or garbage or foam.

10. SANITARY WASTE -

    No floating solids

    BOD5 - 45 mg/l daily maximum. Monitoring shall be once per week using grab samples.

    TSS - 45 mg/l daily maximum. Monitoring shall be once per week using grab samples.

Enterococci – 35 cfu or MPN per 100 ml daily average, and 104 cfu or MPN per 100 ml daily maximum. Monitoring shall be once per week using grab samples. (Applied to coastal waters)

Enterococci – 35 cfu or MPN per 100 ml daily maximum. Monitoring shall be once per week using grab samples. (Applied to bacteria-impaired coastal waters)

E. coli – 126 cfu or MPN per 100 ml daily average, and 399 cfu or MPN per 100 ml daily maximum. Monitoring shall be once per week using grab samples. (Applied to fresh waters)

Fecal Coliform - 14 per 100 ml daily maximum. Monitoring shall be once per week using grab samples. (Applied to bacteria-impaired oyster water)

Note: Total residual chlorine be maintained as close to 1 mg/l as possible for facilities continuously manned by ten or more persons.

11. MISCELLANEOUS DISCHARGES -

Distillation and reverse osmosis brine
Blowout preventer fluid
Uncontaminated ballast and bilge water
Mud, cuttings and cement at the sea floor
Boiler blowdown
Excess cement slurry
Diatomaceous earth filter media
Uncontaminated water

For miscellaneous discharges, the discharge of free oil is 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. Discharge may occur at any time if the operator uses the static sheen method for detecting free oil. Monitoring shall be once per day, when discharging.

12. 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.

13. TABLE - SUMMARY OF EFFLUENT LIMITATIONS, PROHIBITIONS AND MONITORING REQUIREMENTS FOR STRIPPER SUBCATEGORY

Discharge	**Regulated & Monitored Discharged Parameter**	**Discharge Limitation/ Prohibition**	**Measurement Frequency**	**Sample Type/Method**
Drilling Fluid		No Discharge		
Drill Cuttings		No Discharge		
Produced Water (Stripper Subcategory) (*4)	Oil and grease	35 mg/l daily max., 25 mg/l monthly average	Once/month	Grab
	Free Oil	No Free Oil	Once/month	Visual Sheen
	Total Dissolved Solids	Monitor & Report. No discharge if TDS > 3000 mg/l	Once/year	Grab or 24-hr composite
	Acute Toxicity	24-hour LC50 at 100% effluent for discharging to coastal waters, and no discharge if fail to conduct test or fail test.; OR 24-hour LC50 at 100% effluent for discharging to fresh waters, and 3 year compliance period.	Once/year	Grab or 24-hr composite
	Flow	Report	Once/month	Estimate
	Total Zinc (Only for Discharges to Zinc Impaired Waterbodies)	Report	Once/month	Grab or 24-hr composite
	Total Mercury (Only for discharges to mercury impaired waterbodies)	Report	Once/month	Grab or 24-hr composite
	Only for Discharges to dissolved oxygen impaired waterbodies	No Discharge		
Deck Drainage	Free Oil	No Free Oil – report number of days sheen observed	Once/day(*1)	Visual Sheen
Formation Test Fluid (*2)	Free Oil	No Free Oil – report number of days sheen observed	Once/day(*1)	Visual Sheen
	pH	6.5-9.0 s.u	Once/discharge	Grab
Well treatment fluids, completion fluids, and workover fluids		No Discharge		
Domestic Waste (Discharges to coastal waters)	Floating solids or garbage or foam	No discharge		

Sanitary waste and/or Domestic waste (Bacteria monitoring and limitations apply to sanitary waste discharges only)	Residual chlorine(*3)	1 mg/l (minimum)	Once/month	Grab
	Solids	No Floating Solids	Once/day	Observation.....
	BOD5	45 mg/l, Daily max.	Once/week	Grab
	TSS	45 mg/l, Daily max.	Once/week	Grab
	Enterococci (Only for discharges to non-bacteria impaired coastal waterbodies)	104 cfu or MPN per 100 ml - Daily Max. 35 cfu or MPN per 100 ml – Daily Avg	Once/week	Grab
	Enterococci (Only for discharges to bacteria impaired coastal waterbodies)	35 cfu or MPN per 100 ml - Daily Max.	Once/week	Grab
	E. coli (Only for discharges to fresh waterbodies)	35 colonies/ 100 ml, Daily max.	Once/week	Grab
	Fecal coloiform (Only for discharges to bacteria (oyster) impaired waterbodies)	14 colonies/ 100 ml, Daily max.	Once/week	Grab
Miscellaneous discharges	Free oil	No free oil. Report number of days sheen observed	Once/day (*1)	Visual sheen or static sheen

Footnotes

*1 When discharging and facility is manned. Monitoring shall be accomplished during times when observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge.

*2 Formation test fluids may only discharge to bays or estuaries where no chloride standards have been established.

*3 Total residual chlorine limit only applies to a facility continually manned with 10 or more person. Minimum of 1 mg/l and maintained as close to this concentration as possible.

*4 Discharges that do not meet the requirements of Section B-2.3 are violating the permit.

14. REQUIRING AN INDIVIDUAL PERMIT OR ADDITIONAL LIMITATIONS

A permittee who discharges to impaired waters may be informed if coverage under an individual permit is necessary in accordance with new information available.

SECTION C-1. 24-HOUR ACUTE TOXICITY TESTING REQUIREMENTS (24-HOUR ACUTE LC-50 MARINE LIMITS)

The approved test methods for permit compliance are identified in 40 CFR Part 136.

SCOPE, FREQUENCY AND METHODOLOGY

a) The permittee shall utilize the Mysidopsis bahia (Mysid shrimp) acute static nonrenewal 24-hour toxicity test in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition" (EPA-821-R-02-012), or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

b) The permittee shall utilize the Menidia beryllina (Inland Silverside minnow) acute static nonrenewal 24-hour definitive toxicity test in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition" (EPA-821-R-02-012), or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

c) If any other test conducted under biomonitoring requirements elsewhere in this permit includes the 100% effluent concentration in the dilution series, the mean survival results at 24 hours from that test, for each species, may be submitted to fulfill the requirements of this section. See Reporting of this section for acceptable test substitutions. The >50% survival in 100% effluent for a 24 hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted for compliance with the minimum testing frequency.

d) The permittee shall test the effluent for lethality in accordance with the provisions of this section. Such testing will determine if an effluent sample meets the Texas Surface Water Quality Standard listed at 30 TAC §307.6(e)(2)(B) of greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

e) The permittee shall submit the results of these tests on the Discharge Monitoring Report (DMR) due at the end of the reporting period.

f) In addition to an appropriate control (0% effluent), a 100% effluent concentration shall be used in the toxicity tests.

g) This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

CONTROL/DILUTION WATER

Control and/or dilution water used in the test shall normally consist of a standard, synthetic,

reconstituted seawater. If the permittee is utilizing the results of a 48-hour acute test to satisfy these 24-hour acute biomonitoring requirements in accordance with Item c above, the permittee may use receiving water as the control and dilution water if the control meets the requirements of subsection Control Survival below.

Control Survival

If more than 10% of the test organisms in any control die within 24 hours, that test including the control and all effluent dilution(s) shall be repeated with all results from both tests reported as per subsection Reporting below.

Repeat Test

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied. A repeat test shall be conducted within the required reporting period of any test determined to be invalid, in accordance with this section.

Samples

The samples shall be collected at a point following the last treatment unit.

A grab sample representative of normal operating flows will be collected from each outfall, and a discrete test will be run on each sample.

Samples shall be chilled to 4 degrees Centigrade during collection, shipping, and/or storage. The toxicity tests must be initiated within 36 hours after collection of the sample. The sample must be collected such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

REPORTING

a) The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation section of EPA-821-R-02-012, or the most recent update thereof: for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART II.D.4 of this permit. A copy of the full report for any test failure must be submitted to EPA within 30 (thirty) days of receipt from the lab that performed the test. The permittee shall submit the information contained in any full report upon the specific request of the Environmental Protection Agency.

b) The permittee shall report the following results of each toxicity test on the subsequent monthly DMR for that reporting period in accordance with PART II.D.4 of this permit.

i. Menidia beryllina (Inland Silverside minnow)

Enter the following codes on the DMR for Parameter No. TIE6B:

"0" if mean survival at 24 hrs. is greater than 50% in 100% effluent;

"1" if the mean survival at 24 hrs. is less than or equal to 50% in 100% effluent.

In cases of test substitution (See 24 HOUR ACUTE TEST SUBSTITUTIONS, Item 1.c, above), mean survival results in 100% effluent from the 48 hr. acute or 7 day chronic Menidia beryllina or Cyprinodon variegatus tests, determined at 24 hrs., shall be reported on the DMR under Parameter No. TIE6B.

ii. Mysidopsis bahia (Mysid shrimp)

Enter the following codes on the DMR for Parameter No. TIE3E:

"0" if mean survival at 24 hrs. is greater than 50% in 100% effluent;

"1" if the mean survival at 24 hrs. is less than or equal to 50% in 100% effluent.

In cases of test substitution (See 24-HOUR ACUTE TEST SUBSTITUTIONS, Item 1.c, above), mean survival results in 100% effluent from the 7 day chronic Mysidopsis bahia tests, determined at 24 hrs., shall be reported on the DMR under Parameter No. TIE3E.

SECTION C-2. 24-HOUR ACUTE TOXICITY TESTING REQUIREMENTS (24-HOUR ACUTE LC-50 FRESHWATER LIMITS)

The approved test methods for permit compliance are identified in 40 CFR Part 136.

SCOPE, FREQUENCY AND METHODOLOGY

a) The permittee shall utilize the water flea (Daphnia pulex or Ceriodaphnia dubia) acute static nonrenewal 24-hour toxicity test in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition" (EPA-821-R-02-012), or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

b) The permittee shall utilize the fathead minnow (Pimephales promelas) acute static nonrenewal 24-hour definitive toxicity test in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition" (EPA-821-R-02-012), or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

c) If any other test conducted under biomonitoring requirements elsewhere in this permit includes the 100% effluent concentration in the dilution series, the mean survival results at 24 hours from that test, for each species, may be submitted to fulfill the requirements of this section. See Reporting of this section for acceptable test substitutions. The >50% survival in 100% effluent for a 24 hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted for compliance with the minimum testing frequency.

d) The permittee shall test the effluent for lethality in accordance with the provisions of this section. Such testing will determine if an effluent sample meets the Texas Surface Water Quality Standard listed at 30 TAC §307.6(e)(2)(B) of greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

e) The permittee shall submit the results of these tests on the Discharge Monitoring Report (DMR) due at the end of the reporting period.

f) In addition to an appropriate control (0% effluent), a 100% effluent concentration shall be used in the toxicity tests.

g) This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

CONTROL/DILUTION WATER

Control and/or dilution water used in the test shall normally consist of a standard, synthetic,

reconstituted water. If the permittee is utilizing the results of a 48-hour acute test to satisfy these 24-hour acute biomonitoring requirements in accordance with Item c above, the permittee may use receiving water as the control and dilution water if the control meets the requirements of subsection Control Survival below.

Control Survival

If more than 10% of the test organisms in any control die within 24 hours, that test including the control and all effluent dilution(s) shall be repeated with all results from both tests reported as per subsection Reporting below.

Repeat Test

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied. A repeat test shall be conducted within the required reporting period of any test determined to be invalid, in accordance with this section.

Samples

The samples shall be collected at a point following the last treatment unit.

A grab sample representative of normal operating flows will be collected from each outfall, and a discrete test will be run on each sample.

Samples shall be chilled to 4 degrees Centigrade during collection, shipping, and/or storage. The toxicity tests must be initiated within 36 hours after collection of the sample. The sample must be collected such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

REPORTING

a) The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation section of EPA-821-R-02-012, or the most recent update thereof: for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART II.D.4 of this permit. A copy of the full report for any test failure must be submitted to Environmental Protection Agency (EPA) within 30 (thirty) days of receipt from the lab that performed the test. The permittee shall submit the information contained in any full report upon the specific request of the EPA.

b) The permittee shall report the following results of each toxicity test on the subsequent monthly DMR for that reporting period in accordance with PART II.D.4 of this permit.

i. Water Flea (Daphnia pulex or Ceriodaphnia dubia)

Enter the following codes on the DMR for Parameter No. TIE3D:

"0" if mean survival at 24 hrs. is greater than 50% in 100% effluent;

"1" if the mean survival at 24 hrs. is less than or equal to 50% in 100% effluent.

In cases of test substitution, mean survival results in 100% effluent from the 48 hr. acute or 7 day chronic tests, determined at 24 hrs., shall be reported on the DMR under Parameter No. TIE3D.

ii. Fathead Minnow (Pimephales promelas)

Enter the following codes on the DMR for Parameter No. TIE6C:

"0" if mean survival at 24 hrs. is greater than 50% in 100% effluent;

"1" if the mean survival at 24 hrs. is less than or equal to 50% in 100% effluent.

In cases of test substitution, mean survival results in 100% effluent from the 48-hr. acute or 7 day chronic tests, determined at 24 hrs., shall be reported on the DMR under Parameter No. TIE6C.

PERSISTENT MORTALITY

The requirements of this Part apply only when a toxicity test demonstrates significant lethality, here defined as a mean mortality of 50% or greater to an organism exposed to the 100% effluent concentration after 24-hours.

a) The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for 2 weeks. Five effluent dilution concentrations in addition to an appropriate control shall be used in the retests. These additional effluent concentrations are 6%, 13%, 25%, 50% and 100% effluent. The first retest shall be conducted within 15 days of the laboratory determination of significant lethality.

b. If one or both of the two retests specified in item a) demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified below.

TOXICITY REDUCTION EVALUATION

a) Within 45 days of the retest that demonstrates significant lethality, the permittee shall develop a General Outline for initiating a Toxicity Reduction Evaluation (TRE). The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b) Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit to EPA Enforcement Division a TRE Action Plan and Schedule for conducting a TRE.

The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analysis to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE Action Plan shall lead to the successful elimination of significant lethality for both test species defined above. As a minimum, the TRE Action Plan shall include the following:

1. Specific Activities - The TRE Action Plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled, "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003), or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled, "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2. Sampling Plan - The TRE Action Plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/ identification/ confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects specific pollutant(s) and source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant(s) and source(s) of effluent toxicity;

3. Quality Assurance Plan - The TRE Action Plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, as well as mechanisms to detect artifactual toxicity; and

4. Project Organization - The TRE Action Plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c) Within 30 days of submittal of the TRE Action Plan and Schedule, the permittee shall implement the TRE with due diligence.

d) The permittee shall submit quarterly TRE Activities Reports concerning the progress of the TRE. The quarterly TRE Activities Reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1. results and interpretation of any chemical-specific analyses for the identified and suspected pollutant(s) performed during the quarter;

2. results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3. any data and substantiating documentation which identifies the pollutant(s) and source(s) of effluent toxicity;

4. results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6. any changes to the initial TRE Plan and Schedule that are believed necessary as a result of the TRE findings.

Copies of the TRE Activities Report shall also be submitted to the Railroad Commission of Texas.

e) This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. "Corrective actions" are herein defined as proactive efforts which eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved technology or housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

f) The permittee shall complete the TRE and submit a Final Report on the TRE Activities no later than 18 months from the last test day of the retest that demonstrates significant lethality. The permittee may petition the Director (in writing) for an extension of the 18-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in their pursuit of the TRE and must prove that circumstances beyond their control stalled the TRE. The report shall specify the control mechanism(s) that will, when implemented, reduce effluent toxicity. The report will also specify a corrective action schedule for implementing the selected control mechanism(s). A copy of the TRE Final Report shall also be submitted to the Railroad Commission of Texas.

g) Within 3 years from the effective date of the permit, the permittee shall comply with the acute Toxicity LC-50 Freshwater Limit which requires greater than 50% survival of the test organism in 100% effluent at the end of 24-hours.

h) The requirement to comply with the acute Toxicity LC-50 Freshwater Limit may be exempted upon proof that toxicity is caused by an excess, imbalance, or deficiency of dissolved

salts. This exemption excludes instances where individually toxic components (e.g. metals) form a salt compound. With the petition of exemption request, the permittee shall submit EPA an ion-adjustment protocol or alternate species testing protocol for approval on a case-by-case basis to replace the general Toxicity LC-50 Freshwater Limit with a site-specific Toxicity LC-50 Freshwater Limit. The permittee shall keep a copy of the approved protocol for the life of the well.

i) If the discharge still fails the Toxicity LC-50 Freshwater Limit after 3 years from the effective date of the permit, an individual permit may be issued to modify the biomonitoring requirements where necessary, to require a compliance schedule for implementation of corrective actions, to specify a WET limit, to specify a BMP, and/or to specify a chemical-specific limit.

SECTION D. COOLING WATER INTAKE STRUCTURE REQUIREMENTS (Coastal Subcategory Only)

Applicability: These requirements apply only to new facilities for which construction was commenced after July 17, 2006, with a cooling water intake structure having a design intake capacity of greater than 2 million gallons of water per day, of which at least 25% is used for cooling purposes.

Fixed facility means a bottom founded offshore oil and gas extraction facility permanently attached to the seabed or subsoil of the outer continental shelf (e.g., platforms, guyed towers, articulated gravity platforms) or a buoyant facility securely and substantially moored so that it cannot be moved without a special effort (e.g., tension leg platforms, permanently moored semi-submersibles) and which is not intended to be moved during the production life of the well. This definition does not include mobile offshore drilling units (MODUs) (e.g., drill ships, temporarily moored semi-submersibles, jack-ups, submersibles, tender-assisted rigs, and drill barges).

Other special definitions that apply to this section can be found in 40 CFR 125.83 and 125.133.

1. Application Information

The owner or operator of a new offshore oil and gas extraction facility must provide the following information with the NOI prior to commencing discharges.

a. New non-fixed facilities must submit source water physical data, cooling water intake structure data, and velocity information:

i. Source Water Physical Data

A narrative description and/or maps showing the physical configuration of all source water bodies used by your facility, and the source water body's hydrological and geomorphological features. This information is only required to be submitted once for any facility.

ii Cooling Water Intake Structure Data

(a) Design and construction technology plans and a description of operational measures which will be implemented to minimize impingement, including:

(i) A narrative description of the design, operation of the design, and construction technologies, including fish handling and return systems, that the facility will utilize to maximize the survival of species expected to be most susceptible to impingement. Provide species specific information that demonstrates the efficacy of the technology;

(ii) A narrative description of the design, operation of the design, and construction technologies that the facility will utilize to minimize entrainment of those species expected to be most susceptible to entrainment; and

(iii) Design calculations, drawings, and estimates to support the descriptions above.

(b) A narrative description of the configuration of each of the cooling water intake structures and its location in the water body and in the water column;

(c) A narrative description of the operation of each of the cooling water intake structures, including design intake flows, daily hours of operation, number of days of the year in operation, and seasonal changes, if applicable;

(d) A flow distribution and water balance diagram that includes all sources of water to the facility, recirculating flows, and discharges; and

(e) Engineering drawings of the cooling water intake structure.

iii. Velocity Information

(a) A narrative description of the design, structure, equipment, and operation used to meet the requirements of a maximum through screen intake velocity of 0.5 ft/s at each cooling water intake structure; and

(b) A design calculations showing that the velocity requirement will be met at the minimum ambient source water surface elevation and maximum head loss across the screens or other device.

b. New fixed facilities must submit source water baseline biological characterization data, source water physical data, cooling water intake structure data, and velocity information:

i. Baseline Study requirements for new fixed facilities

Operators must complete the baseline study within three (3) years after they submit their NOI for coverage.

As described below, operators of cooling water intake structures subject to Part I.B.11 may either conduct a study at each new fixed facility or they may participate in an industry wide study. Operators may participate after the close of the study.

Operators of new fixed facilities must submit sufficient information to characterize the biological community of commercial, recreational, and forage base fish and shellfish in the vicinity of the intake structure and to characterize the effects of the cooling water intake structure's operation on aquatic life. This biological characterization must include any available existing information along with field studies to obtain localized data. At a minimum, the information must include:

(a) A list of the data required by this section that are not available and efforts made to identify sources of the data;

(b) A list of species (or relevant taxa) for all life stages and their relative abundance in the vicinity of the cooling water intake structure;

(c) Identification of the species and life stages that would be most susceptible to impingement and entrainment. Species evaluated should include the forage base as well as those most important in terms of significance to commercial and recreational fisheries;

(d) Identification and evaluation of the primary period of reproduction, larval recruitment, and period of peak abundance for relevant taxa;

(e) Data representative of the seasonal and daily activities (e.g., feeding and water column migration) of biological organisms in the vicinity of the cooling water intake structure;

(f) Identification of all threatened, endangered, and other protected species that might be susceptible to impingement and entrainment at the cooling water intake structures;

(g) If the information above is supplemented with data from field studies, the supplemental data must include a description of all methods and quality assurance procedures for sampling and data analysis including a description of the study area; taxonomic identification of sampled and evaluated biological assemblages (including all life stages of fish and shellfish); and sampling and data analysis methods. The sampling and/or data analysis methods you use must be appropriate for a quantitative survey and based on consideration of methods used in other biological studies performed within the same source water body. The study area should include, at a minimum, the area of influence of the cooling water intake structure.

ii. Source Water Physical Data

(a) A narrative description and scaled drawings showing the physical configuration of all source water bodies used by your facility, including aerial dimensions, depths, salinity and temperature regimes, and other documentation that supports your determination of the water body type where each cooling water intake structure is located;

(b) Identification and characterization of the source water body's hydrological and geomorphological features, as well as the methods you used to conduct any studies to determine your intake's area of influence within the water body and the results of such studies; and

(c) Location maps.

iii. Cooling Water Intake Structure Data

(a) Design and construction technology plans and a description of operational measures which will be implemented to minimize impingement, including:

(i) A narrative description of the design, operation of the design, and construction technologies including fish handling and return systems that the facility will utilize

to maximize the survival of species expected to be most susceptible to impingement. Provide species specific information that demonstrates the efficacy of the technology; and

(ii) A narrative description of the design, operation of the design, and construction technologies that the permittee will utilize to minimize entrainment of those species expected to be most susceptible to entrainment; and

(iii) Design calculations, drawings, and estimates to support the descriptions above.

(b) A narrative description of the configuration of each of the cooling water intake structures and the respective location in the water body and in the water column;

(c) A narrative description of the operation of each of the cooling water intake structures, including design intake flows, daily hours of operation, number of days of the year in operation, and seasonal changes, if applicable;

(d) A flow distribution and water balance diagram that includes all sources of water to the facility, recirculating flows, and discharges; and

(e) Engineering drawings of the cooling water intake structure.

iv. Velocity Information

(a) A narrative description of the design, structure, equipment, and operation used to meet the requirements of a maximum through screen intake velocity of 0.5 ft/s at each cooling water intake structure; and

(b) A design calculations showing that the velocity requirement will be met at the minimum ambient source water surface elevation and maximum head loss across the screens or other device.

2. Cooling Water Intake Structure Operation Requirements

a. <u>New non-Fixed Facilities</u>

i. The cooling water intake structure(s) must be designed and constructed so that the maximum through-screen design intake velocity is 0.5 ft/s or less;

ii. The permittee must minimize impingement mortality of fish and shellfish through use of cooling water intake design and construction technologies or operational measures.

b. <u>New Fixed Facilities that do not employ sea chests as intake structures</u>

i. The cooling water intake structure must be designed and constructed so that the maximum through-screen design intake velocity is 0.5 ft/s; and

ii. The operator must minimize impingement mortality of fish and shellfish and minimize entrainment of entrainable life stages of fish and shellfish through the use of cooling water intake design and construction technologies or operational measures.

c. New Fixed Facilities that Employ Sea Chests as Intake Structures

i. The cooling water intake structure(s) must be designed and constructed so that the maximum through-screen design intake velocity is 0.5 ft/s or less; and

ii. The operator must minimize impingement mortality of fish and shellfish through cooling water intake design and construction technologies or operational measures.

3. Monitoring Requirements

a. New non-Fixed Facilities

i. Visual or remote inspections. Beginning the coverage of this permit, the operator must conduct either visual inspections or use remote monitoring devices (e.g., remotely operated vehicles (ROV), subsea cameras, etc.) during the period the cooling water intake structure is in operation. The operator must conduct visual or remote inspections at least monthly to ensure that the required design and construction technologies are maintained and operated so they continue to function as designed. Visual or remote monitoring is not required when conditions such as storms, high seas, evacuation, or other factors make it unduly hazardous to personnel, the facility, or the equipment utilized. The operator must provide an explanation for any such failure to visually or remotely monitor with the subsequent DMR submittal.

i(a). Alternative to visual or remote inspections. Alternatively, the operator may install proper devices (e.g., differential pressure device, etc.) to continuously monitor intake screens while the intake structure is operating, to ensure that the intake screens are functioning as designed. The operator must also maintain every individual screen at 85% or above efficiency (less than 15% screen blockage) all the time to minimize impingement mortality. The operator must also conduct visual or remote inspection semi-annually.

ii. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored continuously.

b. New Fixed Facilities that do not employ sea chests as intake structures

i. Visual or remote inspections. Beginning the coverage of this permit, the operator must conduct either visual inspections or use remote monitoring devices (e.g., remotely operated vehicles (ROV), subsea cameras, etc.) during the period the cooling water intake structure is in operation. The operator must conduct visual or remote inspections at least monthly to ensure that the required design and construction technologies are maintained and operated so they continue to function as designed. Visual or remote monitoring is not required when conditions such as

storms, high seas, evacuation, or other factors make it unduly hazardous to personnel, the facility, or the equipment utilized. The operator must provide an explanation for any such failure to visually or remotely monitor with the subsequent DMR submittal.

i(a). Alternative to visual or remote inspections. Alternatively, the operator may install proper devices (e.g., differential pressure device, etc.) to continuously monitor intake screens while the intake structure is operating, to ensure that the intake screens are functioning as designed. The operator must also maintain every individual screen at 85% or above efficiency (less than 15% screen blockage) all the time to minimize impingement mortality. The operator must also conduct visual or remote inspection semi-annually.

ii. Entrainment monitoring/sampling. After commencement of operations, the operator must monitor for entrainment. The operator must collect samples to monitor entrainment rates (simple enumeration) for each species over a 24-hour period and no less than biweekly during the primary period of reproduction, larval recruitment, and peak abundance identified during the Source Water Baseline Biological Characterization Study. Representative species may be utilized for this monitoring consistent with their use in the Source Water Baseline Characterization Study. The operator must collect samples only when the cooling water intake structure is in operation. After 24 months of monitoring, the permittee may reduce the monitoring frequency to once per month for the remainder of the permit.

iii. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored continuously.

c. <u>New Fixed Facilities that Employ Sea Chests as Intake Structures</u>

i. Visual or remote inspections. Beginning the coverage of this permit, the operator must conduct either visual inspections or use remote monitoring devices (e.g., remotely operated vehicles (ROV), subsea cameras, etc.) during the period the cooling water intake structure is in operation. The operator must conduct visual or remote inspections at least monthly to ensure that the required design and construction technologies are maintained and operated so they continue to function as designed. Visual or remote monitoring is not required when conditions such as storms, high seas, evacuation, or other factors make it unduly hazardous to personnel, the facility, or the equipment utilized. The operator must provide an explanation for any such failure to visually or remotely monitor with the subsequent DMR submittal.

i(a). Alternative to visual or remote inspections. Alternatively, the operator may install proper devices (e.g., differential pressure device, etc.) to continuously monitor intake screens while the intake structure is operating, to ensure that the intake screens are functioning as designed. The operator must also maintain every individual screen at 85% or above efficiency (less than 15% screen blockage) all the time to minimize impingement mortality. The operator must also conduct visual or remote inspection semi-annually.

ii. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored continuously.

4. Reporting Requirements

a. An annual status report of the required biological (entrainment) monitoring for each cooling water intake structure must be provided to EPA for fixed facilities that do not employ sea chests.

b. All new facilities required to comply with intake structure monitoring requirements must submit the following information monthly:

1) Visual or remote device inspection: Number of fish/shellfish impinged and screen area blockage for each screen; or

2) Intake screen monitoring as alternate inspection: Number of days on which the screen efficiency is below 85%; and

3) Intake velocity monitoring: Number of days on which the maximum intake velocity is greater than 0.5 ft/s.

c. All reports shall be submitted in accordance with section D. Reporting Requirements, Part II of this permit.

PART II.

SECTION A. GENERAL CONDITIONS

1. INTRODUCTION

In accordance with the provisions of 40 CFR Part 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 regulations.

2. DUTY TO COMPLY

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

3. TOXIC POLLUTANTS

a. Notwithstanding Part II.A.4, 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 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 may be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the 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. PERMIT FLEXIBILITY

This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

6. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information

which the Director 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 Director, upon request, copies of records required to be kept by this permit.

7. CRIMINAL AND CIVIL LIABILITY

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable 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.

8. 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 Act.

9. 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 Act.

10. 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. PROPER OPERATION AND MAINTENANCE

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. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

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

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will 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 which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

4. BYPASS OF TREATMENT FACILITIES

a. BYPASS NOT EXCEEDING LIMITATIONS

The permittee may allow any bypass to occur which 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 Parts II.B.4.b. and 4.c.

b. 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, within 24 hours, submit notice of an unanticipated bypass as required in Part II.D.7.

c. PROHIBITION OF BYPASS

(1) Bypass is prohibited, and the Director 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;

(a) 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 which occurred during normal periods of equipment downtime or preventive maintenance; and,

(b) The permittee submitted notices as required by Part II.B.4.b.

(2) The Director may allow an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part II.B.4.c(1).

5. UPSET CONDITIONS

a. 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 Part II.B.5.b. 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.

b. 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 by Part II.D.7; and,

(4) The permittee complied with any remedial measures required by Part II.B.2.

c. 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

Unless otherwise authorized, solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or waste water control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters, and in accordance with other applicable laws or regulations.

7. SPILL PREVENTION BEST MANAGEMENT PRACTICES (BMPs)

This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge.

All permittees shall comply with requirements established in Title 16 of the Texas Administrative Code (16 TAC) by the Texas Railroad Commission regarding spill prevention. Practices must be updated as necessary to maintain consistency with any applicable revisions to these requirements.

Any facility operator which develops, implements, and maintains spill prevention Best Management Practices (BMPs) that are compliant with corresponding standards and regulations promulgated by the Texas Railroad Commission at 16 TAC, shall be deemed in compliance with the requirements of this subsection. Compliance with spill prevention requirements in this subsection are intended only to minimize the potential for uncontrolled releases of pollutants to the waters of the United States and does not convey authority for unauthorized discharges, including spills, leaks, or unexpected discharges not specifically authorized under this permit. Conditions in this section related to prevention of unauthorized discharges do not constitute an exclusion from the definition of "discharge" under CWA 311(a)(2).

SECTION C. MONITORING AND RECORDS

1. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the 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 purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

2. REPRESENTATIVE SAMPLING

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

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, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the director at any time.

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) and time(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

a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.

b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

SECTION D. REPORTING REQUIREMENTS

1. PLANNED CHANGES

The permittee shall give notice to the Director 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 Part 122.29(b); or,

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements listed at Part II.D.10.a.

2. ANTICIPATED NONCOMPLIANCE

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

3. TRANSFERS

Coverage under these permits is not transferable to any person except after notice to the Director.

4. DISCHARGE MONITORING REPORTS AND OTHER REPORTS

Monitoring results obtained during the previous month for all discharges at a facility shall be summarized and reported to EPA and the appropriate State agency on the 28th day of the month following the end of the reporting period. The reporting periods define as calendar quarters, i.e., January-March, April-June, July-September, and October-December. The permittee shall be responsible for submitting monitoring results for all facilities (platforms, drilling structures, or discharge outfalls). The permittee shall submit monitoring results electronically via Network Discharge Monitoring Report (NetDMR) tool quarterly or more frequently. For more information and training, please access the NetDMR website at http://epa.gov/netdmr/ and email to R6NetDMR@epa.gov.

The permittee shall submit the first NetDMR for a covered facility no later than 120 days after filing NOI for that facility.

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 on the NetDMR. Such increased monitoring frequency shall also be indicated on the NetDMR.

6. AVERAGING OF MEASUREMENTS

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit. Averaging for bacteria results shall be done by geometric mean.

7. TWENTY-FOUR HOUR REPORTING

a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally to the EPA Region 6 24-hour voice mail box telephone number 214-665-6593 within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

(1) A description of the noncompliance and its cause;

(2) 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,

(3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

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

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

(2) Any upset which exceeds any effluent limitation in the permit; and,

(3) Violation of a maximum daily discharge limitation for any pollutants listed by the Director in Part II of the permit to be reported within 24 hours.

c. The Director 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 Parts II.D.4 and D.7 and Part I.C at the time monitoring reports are submitted. The reports shall contain the information listed at Part II.D.7.

9. OTHER INFORMATION

Where 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

Director, it shall promptly submit such facts or information.

10. CHANGES IN DISCHARGES OF TOXIC SUBSTANCES

The permittee shall notify the Director as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed any of the following "notification levels":

(1) One hundred micrograms per liter (100 ug/L); two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
(2) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
(3) The level established by the Director.

b. That any activity has occurred or will occur which would result in any discharge, on a non routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed one of the following applicable "notification levels":

(1) Five hundred micrograms per liter (500 ug/L); one milligram per liter (1 mg/L) for antimony;
(2) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
(3) The level established by the Director.

11. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified. EPA Region 6 Enforcement Office may request paper signature in addition to electronic signature.

a. ALL PERMIT APPLICATIONS (and Notices of Intent) 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:

(a) 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 decision making functions for the corporation; or,

(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management

decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where 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. ALL REPORTS required by the permit and other information requested by the Director 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 an individual occupying a named position; and,

(3) The written authorization is submitted to the Director.

c. 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. EPA MAILING ADDRESS

Operators shall submit all paper documents and reports if required to the following

address:

U.S. Environmental Protection Agency
NPDES Compliance Section (6EN-WC)
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

13.AVAILABILITY OF REPORTS

Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

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 Section 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, 303, 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, 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 Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty, as specified in 40 CFR 19.4, for each violation.

3. ADMINISTRATIVE PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as specified in 40 CFR 19.4, for each violation.

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. ACT means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.

2. ADMINISTRATOR means the Administrator of the U.S. Environmental Protection Agency.

3. BLOWOUT PREVENTER FLUID is used to actuate the hydraulic equipment on the blowout preventer.

4. BOD5 means five day biochemical oxygen demand.

5. BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.

6. COD means chemical oxygen demand.

7. DAILY MAX discharge limitation means the highest allowable "daily discharge" during the calendar month.

8. DISTILLATION AND REVERSE OSMOSIS BRINE is wastewater associated with the process of creating fresh water from seawater.

9. DIATOMACEOUS EARTH FILTER MEDIA is filter media used to filter seawater or other authorized completion fluids and subsequently washed from the filter.

10. DIRECTOR means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.

11. DOMESTIC WASTE is materials discharged from sinks, showers, laundries, safety showers, eyewash stations, hand-wash stations, fish cleaning stations, and galleys located within facilities subject to this permit.

12. ENVIRONMENTAL PROTECTION AGENCY means the U.S. Environmental Protection Agency.

13. EXCESS CEMENT SLURRY means the excess mixed cement, including additives and wastes from equipment washdown, after a cementing operation. This excludes unused excess cement slurry or mixed cement for equipment testing purposes.

14. FACILITY means any structure used for oil or gas extraction purpose and meets NPDES "point source" or any structure or activity that is subject to regulation under the NPDES

program.

15. FORMATION TEST FLUIDS are the discharge that would occur if hydrocarbons are located during exploratory drilling and tested for formation pressure and content.

16. GRAB SAMPLE means an individual sample collected in less than 15 minutes.

17. "MGD" means million gallons per day.

18. "mg/L" means milligrams per liter or parts per million (ppm).

19. MUDS, CUTTINGS AND CEMENT AT THE SEA FLOOR are discharges which occur at the sea floor prior to installation of the marine riser and during marine riser disconnect and well abandonment and plugging operations.

20. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.

21. OPERATOR means as defined in Part I.A.2. of this permit.

22. SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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.

23. STATIC SHEEN is defined in the static sheen test in Appendix 1 to 40 CFR 435, Subpart A.

24. TSS means total suspended solids.

25. UNCONTAMINATED BALLAST/BILGE WATER means seawater added or removed to maintain proper draft (ballast water) or water from a variety of sources that accumulates in the lowest part of the vessel/facility (bilge water) without contact with or addition of chemicals, oil, or other wastes or being treated for removal of contaminants prior to discharge.

26. UNCONTAMINATED WATER is freshwater or seawater which is returned to the receiving water without the addition of any chemicals. Included are (1) discharges of excess water that permit the continuous operation of fire control and utility lift pumps, (2) excess water 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, (6) potable water released during transfer and tank emptying operations and (7) condensate from air

conditioning units, (8) seawater cooling overboard discharge, (9) chain locker effluent, and (10) firemain system discharge.

27. 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 treatment facilities, lack of preventive maintenance, or careless or improper operation.

28. VISUAL SHEEN means a "silvery" or "metallic" sheen, gloss, or increased reflectivity, visual color, or iridescence on the water surface.