



[THE ENVIRONMENTAL ELEMENT]

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Texas industrial storm water reporting

The Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR050000 (also referred to as "TXR05") authorizes discharges of storm water associated with industrial activity for 30 defined sectors that are grouped according to Standard Industrial Classification (SIC) code. To date, approximately 8,000 manufacturers and other regulated entities have submitted a notice of intent (NOI) to the Texas Commission on Environmental Quality (TCEQ) for coverage under this permit.

Storm water permit No. TXR05 requires the preparation of sampling reports prior to March 31 of each year.

Permit No. TXR05 requires the preparation of reports each year prior to March 31 for the previous year's storm water sampling results. This article briefly summarizes these requirements, and discusses some potential reporting challenges.

1. Which reporting forms need to be completed? The answer depends on the facility's sector(s). All sectors are subject to the numerical effluent limitations (NELs) for metals, which are informally referred to as the "Texas Twelve." NELs need to be tabulated on a Discharge Monitoring Report (DMR), unless an "Annual Monitoring Exclusion" is prepared in partial or full substitution for NEL sampling. Some sectors also need to record benchmark data on Benchmark Monitoring Reports (BMRs) for years 2003 and 2004, so the reports due by March 31 need to include BMRs. Forms and instructions are available on the TCEQ Web site (the URL is given at the end of this article).

2. Which forms need to be submitted? DMRs need to be submitted to the TCEQ only if an NEL has been exceeded, but BMRs need to be submitted in every case. Copies of both must also be maintained in the facility's storm water pollution prevention plan (SWPPP).

3. What will happen if sample results

exceed permit limits? NELs are enforceable by TCEQ, but benchmark values are not. Facilities exceeding either need to re-evaluate their SWPPPs and make any changes warranted. Certain co-regulating municipalities (e.g. City of Houston) require creation of a corrective action plan if exceedances have occurred. Many operators find that sediment in storm water causes problems, because natural sediment can contribute high levels of certain metals. Adding sediment controls can improve sampling results considerably.

4. What if sampling did not occur due to oversight? Sampling and reporting are conditions of permit coverage and, like other forms of noncompliance, can result in a TCEQ notice of violation (NOV) or notice of enforcement (NOE) if not completed. If sampling was missed or overlooked, contact the TCEQ or a knowledgeable consultant for guidance regarding the restoration of compliance.

5. Is reporting required if a facility was closed during the previous year? Reporting needs to be completed for that portion of the year during which the facil-

ity was operating. The records need to be submitted per paragraph No. 1 above, and copies retained for three years. A notice of termination (NOT) must be filed for a closed facility to cancel the permit coverage, and to discontinue TCEQ's water quality fee billing.

6. What happens if a manufacturer has no coverage for storm water discharges? Industrial storm water discharges that are permitted by neither TXR05 nor an individual permit are subject to enforcement action, unless a "No Exposure Certification" applies. Recent penalties for failure to comply with TXR05 have been as high as \$8,000, which is probably more than the average facility's cost of compliance.

Full permit details can be found at the following TCEQ Web site: www.tnrc.state.tx.us/permitting/waterperm/wwwperm/industry.html.

For more information, please call Alison Steele Mandadi, P.G. (asteel@sscienvironmental.com) or Helen I. Hodges (hhodges@sscienvironmental.com) at (800) 324-7724 or visit www.sscienvironmental.com. □

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