

**United States Environmental Protection Agency Region 6
Proposed NPDES General Permit for Discharges from Hydrostatic Testing of New and Existing
Vessels in New Mexico (NMG270000), Oklahoma (OKG27F000), and Indian Country within
the States of Texas, Oklahoma, New Mexico, and Louisiana (TXG27I000,
OKG27I000, NMG27I000, & LAG27I000)**

**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 authorizes discharges to Waters of the United States resulting from hydrostatic testing of new vessels in New Mexico, Oklahoma, and Indian Country within the States of Texas, Oklahoma, New Mexico, and Louisiana, except discharges on Pueblo of Laguna and Pueblo of Acoma. The discharges are authorized in accordance with effluent limitations and other conditions set forth in Parts I, II, III and Appendices A-F of this permit.

For discharges to be authorized by this permit, operators of facilities discharging waste waters resulting from the hydrostatic testing of new vessels must submit written notification to the Regional Administrator that they intend to be covered (See Part I.A.4). Operators who fail to notify the Regional Administrator of intent to be covered are not authorized to discharge under this general permit.

This permit shall become effective at midnight, Central Time 30 days after publication of the notice of the final permit in the Federal Register.

This permit and the authorization to discharge shall expire at midnight, Central Time 5 years and 30 days after publication of the notice of the final permit in the Federal Register.

Signed this 21st day of February, 2023.



Charles W. Maguire
Director
Water Division (6WQ)
EPA Region 6

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PART I. REQUIREMENTS FOR NPDES PERMITS

Section A: Permit Applicability and Coverage Conditions

1. Permit Area

This permit offers NPDES permit coverage for discharges resulting from the hydrostatic testing of new and existing vessels in New Mexico (NMG270000) and Oklahoma (OKG27F000). The authorization also covers Indian Country (as defined by 18 U.S.C. 1151) within the States of Texas, Oklahoma, New Mexico (except Pueblo of Laguna and Pueblo of Acoma), and Louisiana (TXG27I000, OKG27I000, NMG27I000 and LAG27I000) as described below.

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
NMG270000	The State of New Mexico, except Indian country within the State of New Mexico.
OKG27F000	Discharges in the State of Oklahoma including certain areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA). ¹
NMG27I000	Indian country within the State of New Mexico, except Pueblo of Laguna and Pueblo of Acoma, Navajo Nation lands that are regulated by EPA Region 9 and Ute Mountain Ute Reservation lands that are regulated by EPA Region 8
TXG27I000	Indian country within the State of Texas
OKG27I000	Indian country within the State of Oklahoma, except areas of Indian Country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA). The areas covered by OKG27I000 are described as: Indian country lands, which include rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. § 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe.
LAG27I000	Indian country within the State of Louisiana

¹ On December 22, 2021, EPA proposed to withdraw and reconsider the October 1, 2020, SAFETEA approval. See <https://www.epa.gov/ok/proposed-withdrawal-and-reconsideration-and-supporting-information>. EPA is engaging in further consultation with tribal governments and expects to have discussions with the State of Oklahoma as part of this reconsideration. EPA also notes that the October 1, 2020, approval is the subject of a pending challenge in federal court. Pawnee Nation of Oklahoma v Regan, No. 20-9635 (10th Cir.). EPA may make further changes to the approval of Oklahoma's program to reflect the outcome of the proposed withdrawal and reconsideration of the October 1, 2020, SAFETEA approval. Pending completion of EPA's review, EPA is proceeding with notice of this proposed permit in accordance with the October 1, 2020, approval. EPA's final action on this permit will address the scope of coverage of this permit with respect to Indian country which may require appropriate adjustments, based on the status of our review of the SAFETEA approval. If EPA issues a final permit before our review of the SAFETEA approval is complete, EPA may reopen this the permit to make further changes to the scope of coverage to reflect the outcome of the SAFETEA review.

2. Discharges Covered

This general permit authorizes the discharge of water resulting from a hydrostatic test of a vessel into or adjacent to waters of the U.S (WOTUS) from:

- a.) New vessels relatively free of pollutants that could be discharged along with the hydrostatic test water. Pollutants in the vessel prior to the hydrostatic test may include construction debris, suspended solids from soil and welding solids, lubricating oil, and pH.
- b.) Existing vessels that contain or previously contained or transferred raw or potable water, where the water used for hydrostatic tests does not contain corrosion inhibitors, antifreeze compounds, biocides, or other chemical additives (except chlorine or tracer dyes).
- c.) Existing vessels that previously contained only elemental gases (hydrogen, oxygen, nitrogen, etc.); and existing vessels that previously contained or transferred natural gas, natural gas liquids, including condensate, oil, produced water and/or other similar substances.

3. Limitations on Coverage

- a.) Threatened and Endangered Species

The applicant must determine eligibility for permit coverage under one of following six criteria (1-6, below). The applicant must also specify the basis for the selection of the applicable eligibility criterion, and if required, provide documentation supporting its' determination with the Notice of Intent (NOI).

NOTE: You must use the information from the <https://ecos.fws.gov/ipac/location/index> (United States Fish and Wildlife Service (USFWS) IPaC) when determining the presence of Endangered Species Act (ESA) listed species and critical habitat. Attaching aerial image(s) of the site to the NOI is helpful to EPA and USFWS in confirming eligibility under this criterion.

This general permit prohibits use of intake water containing endangered species.

The criteria are summarized as follows:

- 1.) No ESA-listed species and/or designated critical habitat present in action area. No ESA-listed species and designated critical habitat(s) are likely to occur in your facility's "action area" as defined in Appendix A. You must provide a description below of the basis for selecting this criterion.

Basis statement content: A basis statement supporting the selection of this criterion should identify the USFWS information sources used. State resources are not

acceptable. Attaching aerial image(s) of the site to this NOI is helpful to EPA and USFWS in confirming eligibility under this criterion.

- 2.) Eligibility requirements met by another operator. The facility's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility that included the industrial activities and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or in proximity to the discharge location. To certify eligibility under this criterion, there must be no lapse of coverage in the other operator's certification. By certifying eligibility under this criterion, the permittee agrees to comply with any measures or controls upon which the other operator's certification was based. The permittee must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain eligible for coverage under this permit. If the permittee's certification is based on another operator's certification under Criterion 3, that certification is valid only if the permittee has documentation showing that the other operator had certified under Criterion 3, and the permittee provide EPA with relevant supporting information required of existing dischargers in Criterion 3 below in its NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify the eligibility criterion of the other hydrostatic test NOI, the authorization date, and confirmation that the authorization is effective.

- 3.) Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. The applicant has concluded that authorizing its discharges and discharge-related activities are consistent with the determination that the issuance of the permit may affect, but not likely to adversely affect federally listed species and/or designated critical habitat. To support this conclusion, certain documentation is required. Existing dischargers must include with their NOI the following information: a) identification of the pollutant parameters that have been discharged in excess of benchmarks, applicable effluent limitations, or water quality standards; b) a list of endangered species or critical habitat in the action area; and c) the rationale for concluding that the discharges and discharge-related activities will not affect listed species or critical habitat, including any control measures implemented to avoid adverse effects. New dischargers will not have historical data to submit for item (a) above but must submit a list of potential pollutants in their discharge, along with the information required in items (b) and (c) above. This information will enable EPA, the USFWS, and other interested parties to better determine whether applicants have properly followed the procedures to ensure that listed species and critical habitat are not adversely impacted. The applicant must also include a copy of its' site map showing the upland and in-water extent in the action area with its NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify the information resources and expertise (e.g., federal biologists) used to arrive at this conclusion. Any supporting documentation should

explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS were considered in the evaluation.

- 4.) Coordination with USFWS has successfully concluded. The applicant has successfully concluded that coordination with the USFWS has concluded. The coordination must have addressed the effects of the applicant's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and resulted in a written concurrence from USFWS that the applicant's discharges and discharge-related activities are not likely to adversely affect listed species and/or critical habitat. The applicant must include copies of the correspondence with the participating agencies in its NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.

- 5.) ESA Section 7 consultation has successfully concluded. The applicant has successfully concluded consultation between a Federal Agency and the USFWS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS. To certify eligibility under this criterion, the applicant should indicate the result of the consultation:

- I. biological opinion from USFWS that concludes that the action in question (considering the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or
- II. written concurrence from USFWS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

The applicant must include copies of the correspondence from/to USFWS in its NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify the federal action agency/agencies involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number), and the date the consultation was completed.

- 6.) Issuance of section 10 Permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. The applicant must include copies of the correspondence with the USFWS in its NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS provided a section 10 permit, the field office/regional office(s) providing permit(s), any tracking numbers of identifiers associated with that consultation (e.g., IPaC number), and the date the permit was granted.

The applicant must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility criteria in this section to remain eligible for coverage under this permit.

Applicants who cannot certify to one of the endangered species eligibility criteria cannot submit an NOI to gain coverage under the general permit; instead, they must apply to EPA for an individual NPDES permit. As appropriate, EPA will conduct ESA section 7 consultations when issuing individual permits. Regardless of an applicant's eligibility certification under one of the six criteria, EPA may require an application for an individual permit based on adverse effects to species and/or habitat.

The procedures for determining which Threatened and Endangered Species Protection Criterion applies are described in Appendix C of this General Permit

b.) Historic Preservation

Scope:

Facilities which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under the National Historic Preservation Act of 1966, 16 U.S.C. Sections 470 et seq., are not automatically covered under this permit. Prior to submitting a NOI, applicants must determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are "eligible for listing") in the path of the discharge(s) or in the vicinity of any construction of treatment systems or Best Management Practices (BMPs) related to the discharge(s), that may be affected by discharge or discharge-related activities. The scope of the evaluation of the effects of the discharge authorized by this permit is therefore limited to the effects related to the authorized discharge sites and does not include the entire pipeline site. Applicants must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places.

Coverage under this permit is available only if your facility and discharge-related activities meet one of the eligibility criteria below, following the procedures in Appendix D:

Criterion 1. No historic properties are present. The discharges and discharge-related activities (e.g., BMPs) do not have the potential to affect historic properties.; or

Criterion 2. Historic properties are present. Discharges and discharge related activities do not have the potential to affect historic properties; or

Criterion 3. Historic properties are present. The discharges and discharge-related activities have

the potential to affect or will have an adverse effect on historic properties. The operator has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other tribal representative that outlines measures the operator will carry out to mitigate or prevent any adverse effects on historic properties; and, the operator has either (1) obtained and are in compliance with a written agreement that outlines all such measures, or (2) been unable to reach agreement on such measures; or

Criterion 4. The operator has contacted the SHPO, THPO, or other tribal representative and EPA in writing informing them of the potential to have an effect on historic properties and the operator did not receive a response from the SHPO, THPO, or tribal representative within 30 days of receiving its letter.

If the operator has been unable to reach agreement with a SHPO, THPO, or other tribal representative regarding appropriate measures to mitigate or prevent adverse effects, EPA may notify the operator of additional measures it must implement to be eligible for coverage under this permit.

Hydrostatic test dischargers must determine whether their permit-related activities have potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places. Hydrostatic test dischargers must contact the SHPO, THPO, and/or any Indian tribe that attaches religious and cultural significance to historic properties that may be affected. In instances where a Tribe does not have a THPO, Hydrostatic test dischargers should contact the appropriate Tribal government office.

Texas, Oklahoma, New Mexico, and Louisiana SHPO officials may be contacted at the following addresses:

Texas State Historic Preservation Main Office
1511 Colorado St.
Austin, TX 78701
Telephone: 512.463.6100
Email: thc@thc.state.tx.us
<http://www.thc.state.tx.us/>

Oklahoma State Historic Preservation Main Office
Oklahoma Historical Society
Oklahoma History Center
800 Nazih Zuhdi Drive
Oklahoma City, OK 73105
Telephone: 405/521-6249; FAX 405/522-0816
<http://www.okhistory.org/shpo/shpom.htm>

New Mexico Historic Preservation Division
Department of Cultural Affairs
Bataan Memorial Building
407 Galisteo Street, Suite 236

Santa Fe, NM 87501
Telephone: (505) 827-6320
Email: nm.shpo@state.nm.us
<http://www.nmhistoricpreservation.org/>

Louisiana Department of Culture, Recreation and Tourism
Office of Cultural Development
Division of Historic Preservation
Capitol Annex Building
1051 North Third Street
Baton Rouge, Louisiana 70802

Mailing Address
P.O. Box 44247
Baton Rouge LA 70804
Telephone: (225) 342-8160; Fax: (225) 219-9772
<https://www.crt.state.la.us/cultural-development/historic-preservation/>

The most recent contact information for Tribal governments and Tribal Historic Preservation Officers may be accessed at: <https://www.epa.gov/tribal/region-6-tribal-program> or by contacting EPA, Region 6 Tribal Affairs Office at:

Region 6 Office of Environmental Justice, Tribal and International Affairs
1201 Elm Street, Suite 500
Dallas, TX 75270

Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers may be found on the Advisory Council on Historic Preservation's website (<https://www.achp.gov/>). In instances where a Tribe does not have a Tribal Historic Preservation Officer, you should contact the appropriate Tribal government office when responding to this permit eligibility condition.

c.) Impaired Waters

A water is impaired for purposes of this permit if it has been identified by the State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR § 30.2(j)). Impaired waters include both waters with approved or established Total Maximum Daily Loads (TMDL), and those for which a TMDL has not yet been approved or established. The applicant must determine if the receiving stream is impaired by using the applicable State or Tribal 303(d) list as approved by USEPA Region 6. Summary of impaired waters and TMDLs throughout the U.S. can be found at <https://www.epa.gov/tmdl/impaired-waters-and-tmdls-program-your-epa-region-state-or-tribal-land>

Discharges of the constituents of concern to impaired water bodies for which there is a TMDL are not eligible for this permit unless they are consistent with the approved TMDL.

New dischargers to water quality impaired water (CWA, 303d list) are not eligible for coverage under this permit unless the operator:

- i. prevents any discharge that contains pollutant(s) for which the waterbody is impaired at levels above the applicable Water Quality Standards and includes documentation of procedures taken to prevent such discharge in the NOI.
- ii. Provide documentation in the NOI that the pollutant(s) for which the waterbody is impaired is not present at the facility
- iii. Provide in the NOI data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard. To do this, the operator must provide data and other technical information to EPA sufficient to demonstrate:
 - A) For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
 - B) For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow the facility's discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

Operators are eligible under this section if they receive an affirmative determination from EPA Region 6 that the discharge will not contribute to the existing impairment.

EPA may require an application for an individual permit based on adverse effects to impaired waters.

d.) Outstanding Natural Resource Water

Discharges into water bodies which have been designated as Outstanding Natural Resource Water are not eligible for permit.

e.) Other Unauthorized Discharges

Other types of discharges that are not eligible for this permit includes:

1. Discharges to impaired water bodies for which there is a Total Maximum Daily Load (TMDL) for the pollutants of concern unless the discharges are consistent with the approved TMDL and any associated TMDL implementation plan.

2. Discharges into any State of Oklahoma Outstanding Resource Water as described in OAC 785:45- 3-2(a).
3. Discharges into any State of New Mexico designated Outstanding National Resource Water as defined in 20.6.4.9 NMAC.
4. All Tribal waters classified as Outstanding National Resource Waters. These waters include but not limited to:
 - a. Pueblo of Taos, New Mexico Tier 3 waters include Mountain Lakes; Mountain Streams and Springs
5. Discharges of wastewater containing substances that are not addressed by or would not be adequately detected by the effluent limits in this permit.
6. Discharges of sludge or solids generated in the pre-cleaning of the pipeline or vessels, or any rinsing solutions used in the precleaning of the pipeline or vessels.
7. This general permit does not authorize the use of domestic wastewater, reclaimed water, or wastewater generated by other industrial operations for hydrostatic testing and discharge. In addition, the general permit for New Mexico (NMG270000) also does not authorize the use of treated and/or reclaimed produced water for hydrostatic testing and discharge. This prohibition does not include treated domestic wastewater, reclaimed water, or wastewater generated by other industrial operations that would be authorized to be discharged to that same receiving water by a NPDES and/or State discharge permit.
8. Discharges of hydrostatic test water to which treatment chemicals, corrosion inhibitors, or biocides have been added.
9. Discharges into waterbodies identified as having High Quality Waters (HQW) and Sensitive Public and Private Water (SWS) Supplies life uses as contained in Appendix A of the Oklahoma Surface Water Quality Standards.
10. Discharges into waterbodies identified as having “High Quality Coldwater” as contained in 20.6.4.900 H (1) of the New Mexico Water Quality Standards.
11. Discharges to the Pueblo of Tesuque’s surface waters with a high quality coldwater fishery use, within the Aspen Ranch and the Vigil Grant and headwaters of the Rio Tesuque are not eligible for this permit. See Appendix F: Conditions Applicable To Specific State or Tribal jurisdictions in the final permit.

See Appendix F: Conditions Applicable to Specific State or Tribal Jurisdictions for respective State and/or Tribal NOI submittal requirements.

4. Obtaining Authorization to Discharge

An electronic NOI to be covered by these permits shall be submitted to EPA Region 6. Separate permit coverage must be obtained for each discharge location. Therefore, the applicant must submit a separate NOI for each discharge location.

Applicants seeking permit coverage must submit a written NOI and electronically to EPA Region 6.

This notice must be signed and submitted by mail and electronic mail to the EPA prior to EPA determination of NOI completeness, to fulfill the signature requirements of 40 CFR § 122.22. A facility which does not discharge any hydrostatic test wastewater does not need to file an NOI and therefore is not covered by this general permit. Any facility which files an NOI must submit

Discharge Monitoring Reports (DMR) in accordance with the permit requirements even if the facility does not discharge during the reporting period (Report “no discharge” if no discharge occurs). If EPA determines that the facility cannot be covered under this general permit, the facility shall apply for an individual permit.

The EPA published the Electronic Reporting Rule in the federal register (80 FR 64063) on October 22, 2015. The rule became effective on December 21, 2015. The rule requires that one year after the effective date of the final rule (starting no later than December 21, 2016), NPDES regulated entities that are required to submit DMRs (including majors and non-majors, individually permitted facilities and facilities covered by general permits) must report electronically. Dischargers may apply for a e-reporting waiver under 40 CFR 127.15 and if approved may submit paper forms to the address listed below:

U.S. Environmental Protection Agency, Region 6
Permitting Section, (6WD-PE)
Water Division (WD)
1201 Elm Street, Suite 500
Dallas, TX 75270

or can be emailed to R6netHTGP@epa.gov (for more information, visit <https://www.epa.gov/compliance/npdes-ereporting-information-permittees-and-other-regulated-entities#waiuers>)

By submitting a signed NOI, the applicant certifies that all eligibility criteria for permit coverage have been met.

If an operator changes or a new operator is added after an NOI has been submitted, the operator must submit a new or revised NOI to EPA.

NOI Submittal

All NOIs and any subsequent reports shall be sent to the following Address: R6netHTGP@epa.gov

See Appendix F: Conditions Applicable to Specific State or Tribal Jurisdictions for respective State and/or Tribal NOI submittal requirements.

Upon receipt of the notification, EPA will notify the facility of its specific facility identification number that must be used on all correspondence with the Agency.

eNOI Submittal

The applicant must apply for coverage using EPA’s NPDES eReporting Tool (NeT) at <http://cdx.epa.gov>.

Waivers from electronic reporting may be granted based on one of the following conditions:

- a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- b. If you have limitations regarding available computer access or computer capability.

If the EPA Region 6 grants your approval to use a paper NOI, and you elect to use it, you must submit all the required information in Appendix B of the permit. See Appendix B for suggested NOI format.

NOIs on the EPA Website

The public can view submitted/approved/terminated NOIs by using EPA's [Permit Lookup tool](#). All eNOIs received by EPA that EPA proposes to authorize will be available on EPA's website, for a minimum of thirty (30) days. Following this 30-day period, EPA will either grant authorization, request additional information, or deny authorization under this General Permit and require submission of an application for an individual NPDES permit. A facility will be authorized to discharge under the terms and conditions of this General Permit upon receipt of the written notice of authorization from EPA. The NPDES eReporting Tool (NeT) website will provide a listing of all facilities authorized to discharge under the terms and conditions of this General Permit.

Deadlines for Submitting NOI and Official Date of Permit Coverage

EPA may deny an NOI within 30 days after the filing.

New facility must submit an NOI at least 30 calendar days prior to commencing discharge.

Existing facilities covered under an individual or alternative permit and wishing to transfer coverage to this general permit must submit an NOI at least 60 days prior to commencing discharge. Those existing facilities already discharging under an individual NPDES permit who wish to remain under that permit do not need to file an NOI.

Existing facility with a new operator must submit an NOI at least 30 calendar days prior to the date of transfer of control to the new operator

Existing facility without permit coverage must submit an NOI immediately as the facility discharges are currently unpermitted.

If you have missed the deadline to submit your NOI, any and all discharges from your facility will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization.

To obtain authorization, the facility must submit a complete and accurate NOI. Discharges are not authorized if your NOI is incomplete or inaccurate or if you are ineligible for permit coverage

Discharge Authorization Date shall be 30 calendar days after EPA notifies the facility that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed.

Modifying NOI.

If after submitting your NOI, you need to correct or update any fields, you may do so by submitting a “Change NOI” request, which can be done using the suggested NOI format found in Appendix B. For an existing operator, if any of the information supplied on the NOI changes, a Change NOI request must be submitted within thirty (30) calendar days after the change occurs. At a facility where there is a transfer in operator or a new operator takes over operational control at an existing facility, the new operator must submit a new NOI no later than thirty (30) calendar days after a change in operators. The previous operator must submit a Notice of Termination (NOT) no later than thirty (30) calendar days after this general permit coverage becomes active for the new operator.

The Permittee must submit their “Change NOI” through EPA’s NeT system at <https://cdx.epa.gov> using procedures allowed by that system, except where an e-reporting waiver has been granted.

5. Notice of Termination

When all discharges associated with the activities authorized by this permit are eliminated, or when the operator of the discharges associated with the activity at a facility changes, the operator of the facility must submit a Notice of Termination (NOT), that is signed in accordance with Part III.E of this permit. Authorization to discharge terminates at midnight on the day the NOT is post-marked for delivery to EPA.

A permittee must submit an NOT to EPA within 30 days after the permittee ceases discharging hydrostatic test water, ceases operations at the vessels or transfers ownership.

The NOT shall include the following information: legal name of the operator, mailing address and telephone of the operator, the facility identification number assigned by the Agency, and the location of the discharge. An indication of whether another operator has assumed responsibility for the operation, the discharger has ceased operations, or the hydrostatic test water discharges have been eliminated, and the following certification:

I certify under penalty of law that all hydrostatic test water discharges that are authorized by an NPDES general permit have been eliminated, or that I am no longer the operator of the hydrostatic test water discharge or that I have ceased operations at the facility. I understand that by submitting this Notice of Termination I am no longer authorized to discharge hydrostatic test water under this general permit, and that discharging pollutants to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submission of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

The Permittee must submit their NOT through EPA's NeT system at <https://cdx.epa.gov> using procedures allowed by that system, except where an e-reporting waiver has been granted.

See Appendix F: Conditions Applicable to Specific State or Tribal Jurisdictions for respective State and/or Tribal NOI submittal requirements.

6. Requiring an Individual Permit

- a. EPA may at any time require any facility authorized by this permit to apply for, and obtain, an individual NPDES permit. EPA will notify the operator, in writing, that an application for an individual permit is required and will set a time for submission of the application. Coverage of the facility under this general NPDES permit is automatically terminated when: (1) the operator fails to submit the required individual NPDES permit application within the defined time frame; or (2) the individual NPDES permit is issued by EPA.
- b. Any operator authorized by these permits may request to be excluded from the coverage under these general permits by applying for an individual permit. The operator shall submit an application, together with the reasons supporting the request to the Regional Administrator.
- c. When an individual NPDES permit is issued to an operator otherwise subject to these general permits, the applicability of the general permit to the permittee is automatically terminated on the effective date of the individual permit. Otherwise, the applicability of this general permit to the facility remains in full force and effect (for example, if an individual NPDES permit is denied to an owner/operator otherwise subject to this general permit).

7. Continuation of this Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR § 122.6 and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- a. Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
- b. A formal decision by EPA to grant the permittee's request for termination of permit coverage; or
or
- c. Issuance or denial of an individual permit for the facility's discharges; or

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

8. Change in Ownership

If a change in the ownership of a facility whose discharge is authorized under this permit occurs, a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees must be submitted to EPA at the address specified in Part I.A.4. EPA will notify the current and new permittees if the transfer of permit coverage is granted.

Section B: Permit Limits and Monitoring Requirements

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. Operators 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.

Additional Permit limits for the State of New Mexico, NMG270000 and the State of Oklahoma, OKG27F000 are established in Appendix F: Conditions Applicable to Specific State or Tribal Jurisdictions.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units			
POLLUTANT	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	6.0	9.0	Daily (*1)	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	MON AVG	DAY MAX	MON AVG	DAY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD (*2)	N/A	N/A	Daily (*1)	Estimate (*2)
Oil & Grease	Report	Report	N/A	15	Daily (*1)	Grab
Total Suspended Solids, Intake from Stream (*3, *4)	N/A	N/A	Report	Report	Daily (*1)	Grab
Total Suspended Solids, Effluent Net Value (*5)	N/A	N/A	30(*5)	45(*5)	Daily (*1)	Grab
Total Residual Chlorine (*6)	N/A	N/A	N/A	0.011 (*7)	Daily (*1)	Instantaneous Grab (*8)
Benzene (*9)	N/A	N/A	N/A	50 µg/L	Daily (*1)	Grab
Total Organic Carbon (TOC) (*9)	N/A	N/A	N/A	50 mg/L	Daily (*1)	Grab
Total BTEX (*9, *10)	N/A	N/A	N/A	100 µg/L	Daily (*1)	Grab

Footnotes

*1 When discharging.

*2 The discharge flow rate shall be controlled to prevent the erosion of soils, to minimize the disturbance and re-suspension of bottom sediments and to avoid adverse impact to any wetlands or other materials and the consequent addition of suspended solids to the discharge. In particular, contact with unvegetated or disturbed ground surfaces shall be avoided.

Flow may be estimated using best engineering judgment. The calculations and procedures used to estimate the flow must be documented.

*3 Applicable if an intake credit is being used. Discharge shall be into the same stream segment as the source of the intake water. The intake credit is not authorized if any part of the test water source is from municipal or industrial

water sources, groundwater and/or well water or any other waters not from the same water segment as the direct point of discharge. Intake Credits are also not authorized in impaired waters.

- *4 Total suspended solids of the intake water. The sample for the intake water shall be taken when the volume of the structure/pipeline being tested is approximately fifty (50) percent full.
- *5 The effluent net value is: a) the discharge concentration less the concentration of the stream intake reported as (*3) when intake credit is allowed; and b) the discharge concentration if intake credit is not allowed. See Part II.B for applicability of Intake Credit. The sample shall be taken within the first thirty (30) minutes of discharge.
- *6 If any portion of the test water is from a municipal water source, the effluent must be tested for total residual chlorine (TRC).
- *7 0.011mg/l is EPA's chronic chlorine criteria for freshwater.
- *8 Regulations at 40 CFR Part 136 define "instantaneous grab" as analyzed within 15 minutes of collection. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.
- *9 Benzene, TOC, and BTEX limit applies only to discharge from existing vessels
- *10 BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylene (including ortho-, meta-, and para-xylene) as quantified by EPA methods 601, 602, 624, or 1624.

EPA notes that if a facility is claiming intake credit, *3, *4, and *5 above will apply and if no intake credit is being claimed, TSS permit limitations are 30 mg/L, monthly average and 45 mg/L, daily maximum as shown above for TSS effluent net value.

Section C: Additional Permit Requirements

1. The discharge shall not include chemicals, such as treatment chemicals, corrosion inhibitors, or biocides, added to the test water. This prohibition does not prohibit the use of fill water whose source is a municipal or rural drinking water supply, except where the permittee has added the aforementioned chemical additives.
2. The discharge of pre-cleaning wastes is prohibited. Pre-cleaning waste means the waste generated from activities such as washing the equipment, piping or vessels with water or a detergent solution prior to the hydrostatic test and/or pre-pigging the equipment, piping or vessels prior to the hydrostatic test.
3. There shall be no discharge of visible sheen of oil or globules of oil or grease.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts.
5. All hydrostatic test water shall be free from any kind of welding scrap or other foreign material before being discharged into the receiving waters.
6. The permittee shall take all necessary steps to prevent or minimize stream channel scouring or erosion of materials, and soils into surface waters caused by the discharge.

NOTE: See App 2F for further restrictions on eligibility in particular states/Tribal lands

Section D: Compliance Schedule

The permittee shall be in compliance with the effluent limitations and monitoring requirements specified herein, from the effective date of this permit. If a discharge is found to be in violation of

specified limits, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.

Section E: Monitoring and Reporting

1. DMR results shall be electronically reported to EPA per 40 CFR § 127.16 unless the permittee request and obtains an electronic reporting waiver. To submit electronically, access the NetDMR website at https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage. To obtain the waiver, please contact: U.S. EPA - Region 6, Water Enforcement Branch, New Mexico State/Tribal Coordinator (6EN-WC), (214 665-7179) or the Louisiana Tribal Coordinator (6EN-WC), (214 665-6636) or the Oklahoma State/Oklahoma Tribal Coordinator (6EN-WC), (214 665-6636) or the Texas Tribal Coordinator (6EN-WC), (214 665-8582). If paper reporting is granted temporarily, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and copies to New Mexico Environment Department (NMED) or the Oklahoma Department of Environmental Quality (ODEQ) or the respective Tribe (See Part III.D.IV of the permit).

DMRs shall be submitted quarterly. Each quarterly submittal shall include separate reports for each month of the reporting period.

Duplicate copies of DMRs and all other reports shall be submitted to the EPA at the following address:

EPA:
Enforcement & Compliance Assurance Division
Water Enforcement Branch (6ECD-W)
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

See Appendix F: Conditions Applicable to Specific State or Tribal Jurisdictions for respective State and/or Tribal DMRs.

2. Reporting periods shall end on the last day of the months March, June, September, and December.
3. The first DMR shall represent facility operations from the effective date of the permit through the last day of the current reporting period.
4. Thereafter, the permittee is required to submit regular quarterly reports as described above and shall submit those reports postmarked no later than the 28th day of the month following each reporting period.
5. **NO DISCHARGE REPORTING** - If there is no discharge from any outfall during the sampling month, place an ""X" in the NO DISCHARGE box located in the upper right corner of the DMR.

6. If any daily maximum or monthly average value exceeds the effluent limitations specified in Part I.B, the permittee shall report the excursion in accordance with the requirements of Part III.D.
7. Any daily maximum or monthly average value reported in the required DMR which is in excess of the effluent limitation specified in Part I.B shall constitute evidence of violation of such effluent limitation and of this permit.
8. The following operational information shall be monitored by the permittee during the hydrostatic testing:
 - a. Start/stop time of testing
 - b. Duration of discharge
 - c. Volume of discharge
 - d. Source water of hydrostatic test water
 - e. Disposition location
9. All reports shall be sent both to EPA, ODEQ, and the NMED or the respective tribal government as applicable at the addresses shown above.

PART II. OTHER CONDITIONS

Section A: General

1. MINIMUM QUANTIFICATION LEVEL (MQL)

The Permittees shall use sufficiently sensitive EPA-approved analytical methods (under 40 CFR part 136 and 40 CFR chapter I, subchapters N and O) when quantifying the presence of pollutants in a discharge for analyses of pollutants or pollutant parameters under the permit. In case the minimum quantification levels (MQLs) are not sufficiently sensitive to the limits, the actual detected values, instead of zeros, need to be reported. If there is a sensitive method with MDL (method detection limit) below the limit, but the MQL is above the limit, they cannot report zero based on MQL, but must report actual value.

If any individual analytical test result is less than the MQL listed in Appendix A, or the more sensitive MDL, a value of zero (0) may be used for that individual result for reporting purpose.

The Permittees may develop an effluent specific MDL in accordance with Appendix B to 40 CFR § 136. For any pollutant for which the Permittees determine an effluent specific MDL, the Permittees shall send to the EPA Region 6 NPDES Permits Branch (6WQ-P) a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific MQL shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 \times \text{MDL}$$

Upon written approval by the EPA Region 6 NPDES Permits Branch (6WQ-P), the effluent specific MQL may be utilized by the permittee for all future DMR reporting requirements.

A method is "sufficiently sensitive" when (1) the method minimum level (ML) of quantification is at or below the level of the applicable effluent limit for the measured pollutant or pollutant parameter; or (2) if there is no EPA-approved analytical method with a published ML at or below the effluent limit, then the method that has the lowest published ML (is the most sensitive) of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or (3) the method is specified in this permit or has been otherwise approved in writing by the permitting authority (EPA Region 6) for the measured pollutant or pollutant parameter. The Permittee has the option of developing and submitting a report to justify the use of matrix or sample-specific MLs rather than the published levels. Upon written approval by EPA Region 6 the matrix or sample-specific MLs may be utilized by the Permittee for all future DMR reporting requirements.

Current EPA Region 6 MQLs for reporting and compliance are provided in Appendix E of this permit.

2. In accordance with 40 CFR § 122.62, the permit may be reopened and modified during the life of the permit if relevant portions of New Mexico/respective Tribal water quality standards and/or Implementation of the State water quality standards via Permitting are revised, new water quality standards are established and/or remanded and any other policy, or if procedures and implementation guidelines are adopted by the respective State or Tribe that change applicable water quality standards and permit implementation.
3. In accordance with 40 CFR Part 122.62, the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.
4. Sanitary waste is not authorized in this permit.
5. Unless otherwise specified in this permit, monitoring shall be conducted according to the analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136 in effect on the effective date of this permit. Appendices A, B, and C to 40 CFR Part 136 are specifically referenced as part of this requirement. Amendments to 40 CFR Part 136 promulgated after the effective date of this permit shall supersede these requirements as applicable.

Section B: Intake Credit Provision

When the source of the intake water used for the hydrostatic test is taken from the same waterbody segment as the outfall of the hydrostatic test water, an intake credit is authorized to account for in-situ waterbody conditions for TSS. To qualify for this intake credit, for each separate test, the permittee shall be required to sample the intake water prior to hydrostatic testing.

The intake credit is not authorized if any part of the test water source is from municipal or industrial water sources, groundwater and/or well water or any other waters not from the same water segment as the direct point of discharge. The sample for the intake water shall be taken when the volume of the structure being tested is approximately fifty (50) percent full. The effluent net value is the discharge concentration less the concentration of the stream intake. In the event of a “net difference” value equal to or less than zero (0), meaning that the discharge concentration is either equal to or less than the intake water concentration, the permittee shall report a zero (0) on the DMR.

PART III. STANDARD CONDITIONS

Section A: General Conditions

1. 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. 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 permit termination, revocation, and reissuance; for denial of a permit renewal application; and/or for requiring a permittee to apply for and obtain an individual NPDES permit.
3. The permittee shall comply with effluent standards and prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
4. This permit may be modified, revoked and reissued, or terminated for cause. 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. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State/Tribal or local laws or regulations.
6. 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. 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. 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/Tribal law or regulation under authority preserved by Section 510 of the Act.
9. 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.

10. Bypass

a. *Definitions*

- i. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- ii. 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.

b. *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 10.c. and 10.d. of this section.

c. *Notice*

- i. *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.
- ii. *Unanticipated bypass.* The permittee shall submit notice of unanticipated bypass as required in D.5. of this section (24-hour notice).

d. *Prohibitions of bypass.*

- i. 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;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph 10.c. of this section
- ii. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 10.d.(i).

e. Any bypass allowed by Part III.A.10 of this permit must, where practicable, be released to vegetated fields for filtering, or captured in secondary containment to minimize discharges to waters of the United States.

-
11. Upset
- a. *Definition.* Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - b. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph 11.c. of this section are met.
 - c. *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated; and
 - iii. The permittee submitted notice of the upset as required in paragraph D.5. of this section (24-hour notice).
 - iv. The permittee complied with any remedial measures required under paragraph 14. of this section.
 - d. *Burden of Proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
12. *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit, except where Part I.A.7 of this permit applies.
13. *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action to plead that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
14. *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or prevent any discharge violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
15. *Inspection and entry.* The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law to:
 - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the "Act" (see part III § A.1), any substances or parameters at any location.

Section B: Proper Operation and Maintenance

The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

Section C: Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. 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 five (5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Permitting Authority at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements.
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. The permittee shall follow the following monitoring procedures:
 - a. Any required monitoring must be conducted according to test procedures approved in 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 ensure 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 ensure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

Section D: Reporting Requirements

1. 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 § 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 under § 122.42(a)(1).
2. The permittee shall give advance notice to EPA of any planned physical alterations or additions or changes in activity which may result in noncompliance with requirements in this permit.
10. This permit is not transferable to any person except after notice to EPA. EPA may require modification or revocation and reissuance of the permit to change the name or the permittee and incorporate such other requirements as may be necessary under the Act.
4. DMR results shall be electronically reported to EPA per 40 CFR 127.16 unless the permittee request and obtains an electronic reporting waiver. To submit electronically, access the NetDMR website at https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage To obtain the waiver, please contact: U.S. EPA - Region 6, Water Enforcement Branch, New Mexico State/Tribal Coordinator (6EN-WC), (214 665-7179) or the Louisiana Tribal Coordinator (6EN-WC), (214 665-6636) or the Oklahoma State/Tribal (6EN-WC), (214 665-6636) or the Texas Tribal Coordinator (6EN-WC), (214 665-8582). If paper reporting is granted temporarily, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and copies to New Mexico Environment Department (NMED) or Oklahoma Department of Environmental Quality (ODEQ) or the respective Tribe at the addresses included in Part I, Section E (See Part III.D.IV of the permit).

DMRs shall be submitted quarterly. Each quarterly submittal shall include separate reports for each month of the reporting period.

See also Appendix F: Conditions Applicable to Specific State or Tribal Jurisdictions for respective State and/or Tribal DMRs submittal requirements.

In addition, the owner/operator will be required to submit paper copies of the DMR's, or if the owner/operator is approved by EPA to use NetDMR, paper DMR equivalent data and all other reports to the respective Tribal government(s).

5. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40CFR Part 136 or as specified in this permit, the results of this

monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased monitoring frequency shall also be indicated on the DMR.

6. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
7. Compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.
8. The permittee shall report any noncompliance which may endanger health or the environment. Notification shall be made to the EPA at the following e-mail address: R6_npdes_reporting@epa.gov, as soon as possible, but within 24 hours from the time the permittee becomes aware of the circumstance. A written submission shall also be provided to EPA within fourteen (14) days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:
 - a. A description of the noncompliance and its cause;
 - b. 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
 - c. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
9. The following shall be included as information which must be reported within twenty-four (24) hours:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - b. Any upset which exceeds any effluent limitation in the permit.
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

The Director may waive the written report on a case-by-case basis for reports under the above if the oral report has been received within twenty-four (24) hours.

10. The permittee shall report all instances of noncompliance not reported under Part III.D.4 and Part III.D.8 and Part 1.D above and of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in D.8.
11. 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 EPA, it shall promptly submit such facts or information to EPA.
[20.6.2.1203 NMAC – Notification of Discharge-Removal]

Section E: Signatory requirements

All applications, reports, or information submitted to EPA shall be signed and certified consistent with 40 CFR §122.22:

1. All notices of intent (NOI) shall be signed as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this section, a corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. 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; or
 - b. For a partnership or sole proprietorship: By a general partner for a partnership or the proprietor, respectively.
2. All reports required by the permit and other information requested by EPA 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:
 - a. The authorization is made in writing by a person described above;
 - b. 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, position of equivalent responsibility, or any 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,
 - c. The written authorization is submitted to EPA.

Section F: 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.”

Section G: Availability of Reports

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 H: Penalties for Violations of Permit Conditions

1. Criminal Penalties:

- a. Negligent violations: The Act provides that any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act or any condition or limitation implementing those provisions in a permit issued under Section 402 is subject to a fine of not less than \$2,750 nor more than \$37,500 per day of violation, or by imprisonment for not more than one year, or both.
- b. Knowing violations: The Act provides that any person who knowingly violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act or any permit conditions implementing those provisions is subject to a fine of not less than \$5,500 nor more than \$55,000 per day of violation, or by imprisonment for not more than three years, or both.
- c. Knowing endangerment: The Act provides that any person who knowingly violates Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act or permit conditions implementing those provisions 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 \$275,000, 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 \$11,000, or by imprisonment for not more than two 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 \$22,000 per day of violation, or by imprisonment of not more than four 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 not to exceed \$59,973 per day for each violation. [See Section 309(d)]

3. Administrative penalties: The Act provides that the Administrator may assess a Class I or Class II administrative penalty if the Administrator finds that a person has violated Sections 301, 302, 306, 307, 308, 318, or 405 of the Act or a permit condition or limitation implementing these provisions, as follows [See Section 309(g)]:
 - a. Class I penalty: Not to exceed \$23,989 per violation nor shall the maximum amount exceed \$59,973.
 - b. Class II penalty: Not to exceed \$23,989 per day for each day during which the violation continues nor shall the maximum amount exceed \$299,857.

Appendix A: 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 (see part III §A.1)) means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.
2. “ACTION AREA” – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:
 - The areas on the hydrostatic test discharge site where wastewater discharges originate and flow toward the point of discharge into the receiving waters and the immediate vicinity.
 - The areas where wastewater discharges flow from the point of discharge into receiving waters. (Example: Where wastewater flows into a ditch/arroyo, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
 - The areas where wastewater discharges from the hydrostatic test activities into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where wastewater from hydrostatic test activities discharges into a stream segment that is known to harbor listed aquatic species.)
3. ADMINISTRATOR means the Administrator of the U.S. Environmental Protection Agency.
4. APPLICABLE EFFLUENT STANDARDS AND LIMITATIONS means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. APPLICABLE WATER QUALITY STANDARDS means all water quality standards to which a discharge is subject under the Act.
6. BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.
7. CRITICAL HABITAT – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological

features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

8. ENDANGERED SPECIES – defined in the Endangered Species Act (ESA) at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.
9. DAILY MAXIMUM discharge limitation means the highest allowable "daily discharge" during the calendar month.
10. DECS means Pawnee Nation Department of Environmental Conservation and Safety
11. DENR means Pueblo of Tesuque Department of Environment and Natural Resources
12. DIRECTOR means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
13. ENVIRONMENTAL PROTECTION AGENCY means the U.S. Environmental Protection Agency.
14. EXISTING VESSEL- A vessel that has been used to store, transport, or otherwise contain a liquid, gaseous material, or petroleum product.
15. FACILITY (as defined in 40 CFR 122.2) means any NPDES “point source” or any other facility or activity that is subject to regulation under the NPDES program.
16. GAS means natural gas, flammable gas, or gas which is toxic or corrosive.
17. GATHERING LINE means a pipeline that transports gas or petroleum from a current production facility to a transmission line or main.
18. GRAB SAMPLE means an individual sample collected in less than 15 minutes.
19. HAZARDOUS LIQUID means petroleum, petroleum products, or anhydrous ammonia.
20. HISTORIC PROPERTY means prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located

within such properties.

21. IPaC is a project planning tool that streamlines the USFWS environmental review Process.
22. 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.
23. NEW VESSEL means a vessel that has not been previously used to store, transport, or otherwise contain a liquid, gaseous material, or petroleum product.
24. NHPA means National Historic Preservation Act
25. NMFS means the National Marine Fisheries Service (NMFS) is an agency within the National Oceanic and Atmospheric Administration responsible for management, conservation, and protection of the nation's marine resources.
26. Notice of Intent (NOI) - A written submission to the Director from an applicant requesting authorization under the terms of a general permit.
27. Notice of Termination (NOT) - A written submission to the Director from a permittee authorized under a general permit requesting termination of coverage.
28. OOEA means Ohkay Owingeh Office of Environmental Affairs
29. OPERATOR means a person who owns or operates vessels facilities
30. PETROLEUM means crude oil, condensate, natural gasoline, natural gas liquids, and liquefied petroleum gas.
30. PRE-CLEANING WASTE means the waste generated from activities such as washing pipeline segment(s) and/or vessel with water or a detergent solution prior to the hydrostatic test and/or pre-pigging the segment(s) prior to the hydrostatic test.
31. PIPELINE is defined in Part 192 and Part 195 as all parts of those physical facilities through which gas or hazardous liquids moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.
32. PSSED means Pueblo of Sandia Environment Department

33. PSWQS means Pueblo of Sandia Water Quality Standards
34. SANITARY WASTE means domestic waste
35. SHPO – The State Historic Preservation Officer for a particular state.
36. 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.
37. SITE – the land or water area where hydrostatic test activities will occur.
38. STATIC SHEEN is defined in the static sheen test in Appendix 1 to 40 CFR 435, Subpart A.
39. THREATENED SPECIES – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
40. THPO or Authorized Tribal Representative – The Tribal Historic Preservation Officer for a particular Tribe, or if there is no THPO, the representative designated by such Tribe for NHPA purposes. Historic properties could have significance to more than one Indian tribe; therefore, all Indian tribes that attach religious and cultural significance to a historic property must be identified and included in the historic properties screening process.
41. TRANSMISSION LINE means a pipeline, other than gathering line, that: transports gas from a gathering line or storage facility to a distribution center or storage facility, operates at a hoop stress of 20% or more of specified minimum yield strength, or transports gas within a storage field.
42. TRANSPORTATION OF GAS is defined as the gathering, transmission or distribution of gas by pipeline or the storage of gas, in or affecting interstate or foreign commerce.
43. USFWS means the United States Fish and Wildlife Service is an agency dedicated to the conservation, protection, and enhancement of fish, wildlife and plants, and their habitats.
44. VESSEL means Pipelines, tanks, and other similar containers used or that will be used to store, transport, or otherwise contain natural gas, natural gas liquid, including condensate, oil, produced water and/or other similar substances associated with activities within the jurisdiction of the EPA.
45. VISUAL SHEEN means a “silvery” or “metallic” sheen, gloss, or increased reflectivity,

visual color, or iridescence on the water surface.

46. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).

47. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).

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APPENDIX B: ALTERNATIVE TO eNOI and eNOT FOR PERSONS WITH A WAIVER FROM E-REPORTING



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TX 75202-2733

1. Legal Name of the Operator: _____
Mailing address: _____

Contact Person _____ Title _____
Telephone Number _____
Email Address _____

2. Master Permit Number _____
3. Operator is a ___Federal ___State ___ Tribal ___ other public entity (check one)
4. Identify the 4-digit Standard Industrial Classification (SIC) code that best represents the products produced or services rendered for which your facility is primarily engaged. _____
5. The Facility is located in _____
_____ county(ies),
and the latitude and longitude of the discharge location is

6. The major receiving water(s) are _____.
Water Quality Segment Name & Segment Number _____.
Select Water Quality Standards Information for a Specific State, Territory, or Tribe can be found at <https://www.epa.gov/wqs-tech/state-specific-water-quality-standards-effective-under-clean-water-act-cwa>
7. The facility ___ is ___ is not ___ is partially located on Indian Country lands. If so, the Indian Country Lands include the following _____.
(NOTE: facilities straddling State and Indian Country land boundaries will be issued authorization under all applicable permits and may have additional State or Tribal-specific requirements applicable to the facility)

8. a. Are any of your discharges into any portion of a receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)? Yes No

b. Has the receiving water(s) been designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding Natural Resource water)? Yes No

9. The corrosion inhibitors are _____

Provide a brief description of any corrosion inhibitors to be used, including a description of any potentially toxic constituents.

10. A description of the discharge, including estimated volume (in gallons) being discharged, whether the vessels being tested is new or existing, and if it is an existing vessels, the raw material or product contained in the vessels prior to the test, estimated date of the discharge, the source of the fill water used in the test, whether the fill water is obtained from a source other than the receiving water to which the hydrostatic test water is discharged. The description shall also include a map or schematic diagram showing the general area of the discharge.

11. Receiving Water Information:(Attach a separate sheet if necessary)

List all the hydrostatic test water discharge Outfalls from your facility. Each Outfalls must be identified by a unique 3-digit ID (e.g., 001, 002). Also provide the latitude and longitude in degrees decimal for each Outfall.		For each Outfall, provide the following receiving water information:		
		Provide the name of the first water of the U.S. that receives hydrostatic test discharge water directly from the Outfall	If the receiving water is impaired (on the CWA 303(d) list, list the pollutants that are causing the impairment:	If a TMDL has been completed for this receiving waterbody, provide the following information:
Outfall ID				TMDL Name and ID:
Latitude				Pollutant(s) for which there is a TMDL:
Longitude				
Outfall ID				TMDL Name and ID:
Latitude				

List all the hydrostatic test water discharge Outfalls from your facility. Each Outfalls must be identified by a unique 3-digit ID (e.g., 001, 002). Also provide the latitude and longitude in degrees decimal for each Outfall.		For each Outfall, provide the following receiving water information:		
		Provide the name of the first water of the U.S. that receives hydrostatic test discharge water directly from the Outfall	If the receiving water is impaired (on the CWA 303(d) list, list the pollutants that are causing the impairment:	If a TMDL has been completed for this receiving waterbody, provide the following information:
Longitude				Pollutant(s) for which there is a TMDL:
If substantially identical to other outfall, list identical outfall ID: _____				
Outfall ID				TMDL Name and ID:
Latitude				Pollutant(s) for which there is a TMDL:
Longitude				
Outfall ID				TMDL Name and ID:
Latitude				
Longitude				Pollutant(s) for which there is a TMDL:
If substantially identical to other outfall, list identical outfall ID: _____				

Attach additional page if necessary

12. a. Using the instructions in Section A.3.a. of this permit, under which endangered species criteria are listed, is your facility eligible for coverage under this permit (only check 1 box)? *

1 2 3 4 5 6

* Note: After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to adversely affects listed species and critical habitat.

- b. Provide a summary of the basis for the criterion selected in Section A.3.a. of this permit (e.g., communication with USFWS to determine no species

in action area; implementation of controls approved by EPA and the USFWS):

c. If you select criterion 2, provide the NPDES ID from the other operator's NOI authorized under this permit: _____

d. If you select criterion 3, you must answer the following questions:

1. What federally-listed species or designated critical habitat are in your "action area":

2. Using the endangered species worksheet below, check which of the following is applicable to your facility and answer any corresponding questions:

I submitted my completed Criterion 3 Eligibility requirement to EPA at least 30 days prior to submitting this NOI and agree to implement any additional measures that were determined by EPA to be necessary to ensure that my discharges and/or discharge-related activities will not have likely adverse effects on listed species and critical habitat.

Date your Criterion 3 Eligibility requirement was sent to EPA: _____

Describe any EPA-approved measures you will implement to ensure no likely adverse effects on listed species and critical habitat:

I submitted my completed Criterion 3 Eligibility requirement to EPA at least 30 days prior to submitting this NOI and have not been notified of any additional measures necessary to ensure no likely adverse effects on listed species and critical habitat.

Date your Criterion 3 Eligibility requirement was sent to EPA: _____

Describe any EPA-approved measures you will implement to ensure no likely adverse effects on listed species and critical habitat:

I submitted my completed Criterion 3 Eligibility requirement to EPA at least 30 days prior to submitting this NOI and have not been notified of any additional measures necessary to ensure no likely adverse effects on listed species and critical habitat.

Date your Criterion 3 Eligibility requirement was sent to EPA: _____

- e. If you select criterion 4 or 5, you must attach copies of any letters or other communications with the USFWS.
13. a. If your facility is not located on Indian country lands, is your facility located on a property of religious or cultural significance to an Indian tribe?
- YES NO
- If yes, provide the name of the Indian tribe associated with the property: _____
- b. Using the instructions in Appendix D of this general permit, under which historic properties preservation criterion listed in Section A.3.b, are you eligible for coverage under this permit (only check 1 box)?
- 1 2 3 4

Questions 14 to 17 applies to new dischargers to water quality impaired water

14. Provide any documentation of procedures taken to prevent any discharge that contains pollutant(s) for which the waterbody is impaired.
15. Provide any documentation to show that the pollutant(s) for which the waterbody is impaired is not present at the facility.
16. Provide data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard. To do this, the operator must provide data and other technical information to EPA sufficient to demonstrate:
- a. For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
- b. For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or

established TMDL to allow the facility's discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

17. Does the facility discharge to any waters for which a TMDL applicable to discharges from the facility has been approved ___Yes ___ No ___N/A? Summary of impaired waters and TMDLs throughout the U.S. can be found at <https://www.epa.gov/tmdl/impaired-waters-and-tmdls-program-your-epa-region-state-or-tribal-land>

18. *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 gathered and evaluated 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 have no personal knowledge that the information submitted is other than 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.*

Signed: _____ Date: _____

Printed Name _____

Signature must be in accordance with Part III.E of
of this General Permit.

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**HYDROSTATIC PRESSURE TESTING WASTEWATER
SUGGESTED FORMAT FOR ELECTRONIC NOTICE OF TERMINATION
(eNOT)**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201ELM STREET, SUITE 500
DALLAS, TX 75270

NPDES Permit Number: _____

Date NOI was submitted: _____

Name and Address of Facility (include County):

Telephone Number: _____

Name of Operator: _____

Reason for the termination of permit coverage:

(Add attached sheets if necessary.)

I certify under penalty of law that all hydrostatic test water discharges that are authorized by an NPDES general permit have been eliminated, or that I am no longer the operator of the hydrostatic test water or that I have ceased operations at the facility. I understand that by submitting this Notice of Termination I am no longer authorized to discharge hydrostatic test water under this general permit, and that discharging pollutants to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submission of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

Name (print): _____ Title: _____

Signature: _____ Date Signed: _____

Signature must be in accordance with Part III.E of this General Permit.

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APPENDIX C – PROCEDURES RELATING TO ENDANGERED SPECIES PROTECTION

C.1 Assessing the Effects of Your Discharges and Discharge-Related Activities

You must follow the procedures in this appendix to determine which of the eligibility criteria in Section A.3.a. of this permit (i.e., criterion 1 - 5), if any, you qualify under, by assessing the potential effects of hydrostatic test discharges and discharge-related activities on listed threatened and endangered species and their designated critical habitat. In accordance with Part III, Section C of this permit, you must keep any documentation that supports your eligibility determination, including the completed Criterion Selection Worksheet in Appendix C.4 of this permit. You must complete your eligibility determination prior to submitting your NOI for coverage under the hydrostatic test discharge permit and must provide all information as required on your NOI that supports the Section A.3.a. eligibility criterion you qualify under. **Note that if you have determined that you may be eligible under criterion 3, you must submit a completed Criterion 3 Eligibility requirement to EPA a minimum of 30 days prior to submitting your NOI for permit coverage.**

When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the “action area” of your industrial activity. Action area is defined in Appendix A of this permit as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. This includes areas beyond the footprint of the facility that are likely to be affected by hydrostatic test discharges and discharge-related activities. For example, discharges of pollutants into downstream areas can increase the “action area” beyond the footprint of the facility.

C.2 Eligibility Criterion

As required by Section A.3.a of this permit, you must meet one or more of the following five criteria (1 -5) to be eligible for coverage under the permit:

Criterion 1. No federally listed threatened or endangered species or their designated critical habitat(s) are likely to occur in the “action area” as defined in Appendix A. To certify your eligibility under this criterion, you must use the Criterion Selection Worksheet in Appendix C.4 below. You must also provide a description of the basis for the criterion you selected on your NOI and also provide documentation supporting your eligibility determination.

Criterion 2. Your industrial activity’s discharges and discharge-related activities were already addressed in another operator’s valid certification of eligibility for your action area under this permit and there is no reason to believe that federally listed species or designated critical habitat not considered in the prior certification may be present or located in the “action area” (e.g., due to a new species listing or critical habitat designation). To certify your eligibility under this criterion, you must use the Criterion Selection Worksheet in Appendix C.4 of this permit. There must be no lapse of NPDES permit coverage in the other operator’s certification. You must also comply with any additional measures that formed the basis of the other operator's valid certification of eligibility to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat. You must include in your NOI the NPDES ID (i.e., permit tracking number) assigned to the other operator’s authorization under this permit, and a description of the basis for the criterion

selected on your NOI, including the eligibility criterion selected by the other operator's certification. You must also provide any documentation in your NOI that supports the other operator's eligibility determination, including any additional measures that formed the basis of the other operator's eligibility determination.

Criterion 3. Federally listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your facility's "action area," and your industrial activity's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. To certify your eligibility under this criterion, you must use the *Criterion Selection Worksheet* in Appendix C.4 of this permit, including completion of the *Criterion 3 Eligibility Requirement*, which you must submit to EPA at least 30 days prior to filing your NOI for permit coverage. After evaluation of your *Criterion 3 Eligibility Requirement*, EPA may require additional measures that you must implement to avoid or eliminate likely adverse effects on listed species and critical habitat from discharges and discharge-related activities. You may submit your NOI for permit coverage 30 days after submitting to EPA your completed *Criterion 3 Eligibility Requirement*. You must also provide a description of the basis for the criterion you selected on your NOI and provide documentation supporting your eligibility determination in your NOI.

Criterion 4. Consultation between a Federal Agency and the USFWS under section 7 of the Endangered Species Act (ESA) has been concluded. Consultations can be either formal or informal, and would have occurred only because of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and consultation must have addressed the effects of the industrial activity's discharges and discharge-related activities on all federally listed threatened or endangered species and federally designated critical habitat. The result of this consultation must be one of the following:

- i. A biological opinion that concludes that the action in question (considering the effects of your facility's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat;
- ii. A biological opinion that concludes that the action is likely to jeopardize listed species or to result in the destruction or adverse modification of critical habitat, and any recommended reasonable and prudent alternatives or reasonable and prudent measures are being implemented; or
- iii. Written concurrence from the USFWS with a finding that your facility's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat.

To certify your eligibility under this criterion, you must use the *Criterion Selection Worksheet* in Appendix C.4 of this permit. You must verify that the consultation does not warrant re-initiation under 50 CFR §402.16. If re-initiation of consultation is required, to be eligible under this criterion you must ensure consultation is re-initiated and the result of the consultation must be consistent with (i), (ii), or (iii) above.

If eligible, you must also provide supporting documentation for your determination in your NOI, including the Biological Opinion or concurrence letter.

Criterion 5. Your industrial activities are the subject of a permit under section 10 of the ESA, and this authorization addresses the effects of your facility's discharges and discharge-related activities on federally listed species and designated critical habitat. To certify your eligibility under this criterion, you must use the *Criterion Selection Worksheet* in Appendix C.4 of this permit. You must

also provide supporting documentation for your determination in your NOI, including a copy of the permit from the USFWS.

C.3 Eligibility Compliance

You must comply with any measures that formed the basis of your eligibility determination in Section A.3.a of this permit for the duration of your coverage under this general permit to maintain your eligibility for coverage under the permit. These measures become permit requirements.

C.4 Criterion Selection Worksheet

Instructions:

You must follow the step-by-step instructions in this worksheet to determine your eligibility under the Section A.3.a. criteria. Alternatively, if you prefer to use a Biological Evaluation (or its equivalent) in making a determination of your eligibility, you should ensure all the information requested below for the criterion you are selecting is fully addressed in such a document. You must attach this completed document or Biological Evaluation (or equivalent) to your NOI to support your Section A.3.a. eligibility determination.

You may need the following information in order to determine your eligibility:

- 1) Information on receiving waters.
- 2) Any additional site-specific information related to your facility's discharges and discharge-related activities.
- 3) The list(s) of endangered and threatened species and any designated critical habitat in your action area, as acquired from the USFWS. Directions on how to acquire species lists is described in a subsequent section below.

Note that much of the information needed to complete this worksheet is also needed to prepare your NOI for permit coverage.

STEP 1: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF CRITERION 2, 4, OR 5 CAN BE MET.

- A. You should first determine whether you are eligible under criterion 2 (because another operator has accounted for your action area in their valid certification of eligibility under another general permit, criterion 4 (because of a previously completed ESA section 7 consultation), or criterion 5 (because of a previously issued ESA section 10 permit).
- B. If your facility is likely to be eligible under criterion 2, 4 or 5, you may skip ahead to the applicable criterion's requirements to determine if you are eligible. If after completing the relevant section you find that your facility does not in fact meet criteria 2, 4, or 5 (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to Step 2 below.
- C. If your facility is not likely to be eligible under criterion 2, 4 or 5, you may proceed directly to Step 2.

Criterion 2 Eligibility Requirements

If your facility's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility, you may be eligible for coverage under criterion 2. To be eligible for coverage under criterion 2, you must confirm that all the following are true:

- You have confirmed that the other operator's certification of eligibility accounted for your action area and that the eligibility determination was valid.
- There has been no lapse of NPDES permit coverage in the other operator's certification.
- You will comply with all measures that formed the basis of the other operator's valid certification of eligibility. List any measures here (or enter "N/A" if none exist):

-

If all of the above are true, you may select criterion 2 on your NOI. You must include in your NOI the NPDES ID assigned to the other operator's authorization under this permit, and a description of the basis for the criterion selected on your NOI, including the eligibility criterion selected by the other operator's certification. You must include this completed worksheet in your NOI.

If any of the above are not true, you may not select criterion 2 and must proceed to Step 2. For example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under criterion 2.

Criterion 4 Eligibility Requirements

If consultation under section 7 of the ESA has been concluded, you may be eligible for coverage under criterion 4. To be eligible for coverage under criterion 4, you must confirm that all the following are true:

- A consultation between a federal agency and the USFWS under section 7 of the ESA has been concluded. Consultations can be either formal or informal and would have occurred only because of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your industrial activity's discharges and discharge-related

activities on all federally listed threatened or endangered species and all designated critical habitat in your action area. The result of this consultation must be either:

- i. A biological opinion that concludes that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges and discharge-related activities on all the listed species and designated critical habitat in your action area;
 - ii. A biological opinion that concludes that the action is likely to jeopardize listed species or to result in the destruction or adverse modification of critical habitat, and any recommended reasonable and prudent alternatives or reasonable and prudent measures are being implemented; or
 - iii. Written concurrence (e.g., letter of concurrence) from the USFWS with a finding that concludes that your facility's discharges and discharge-related activities are not likely to adversely affect listed species or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the listed species and designated critical habitat on your species list(s) acquired from the USFWS as part of this worksheet.
- The consultation does not warrant re-initiation under 50 CFR §402.16; or, if re-initiation of consultation is required (e.g., due to a new species listing or critical habitat designation; new information), you have re-initiated the consultation and the result of the consultation is consistent with the statements above. Attach a copy of any re-initiation documentation from the USWS or other consulting federal agency.

If all of the above are true, you may select criterion 4 on your NOI. You must also provide a description of the basis for the criterion selected on your NOI. In your NOI you must also provide the Biological Opinion or concurrence letter and any other documentation supporting your eligibility determination.

If any of the above are not true, you may not select criterion 4 and must proceed to Step 2. For example, if the biological opinion or written concurrence did not include the effects of the discharge or discharge-related activities as described above (e.g., the previous consultation covered some but not all the species or critical habitat in your action area as shown on your species list), or if the consultation is no longer valid (e.g., due to new species listings), you are not eligible under criterion 4.

Criterion 5 Eligibility Requirements

If your industrial activities are the subject of a permit under section 10 of the ESA, and this authorization addresses the effects of your facility's discharges and discharge-related activities on federally listed species and designated critical habitat in your action area, you may be eligible for coverage under criterion 5. To be eligible for coverage under criterion 5, you must confirm that the following is true:

- A permit has been issued under section 10 of the ESA. The permit authorization specifically

addresses the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.

If the above is true, you may select criterion 5 on your NOI. You must also provide a description of the basis for the criterion selected on your NOI as well as this completed worksheet. In your NOI you must provide a copy of the section 10 permit issued by the USFWS.

If the above is not true, you may not select criterion 5 and must proceed to Step 2. For example, if a permit has been issued under section 10 of the ESA, but the permit authorization did not address the effects of your facility's discharges and/or discharge-related activities on all federally-listed species and designated critical habitat in your action area, you are not eligible under criterion 5, but you should attach a copy of the permit to your NOI.

STEP 2: DETERMINE THE EXTENT OF YOUR ACTION AREA

You must determine whether species listed as either threatened or endangered, or their critical habitat(s) (see definitions of these terms in Appendix A), are located in your facility's action area (i.e., all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the facility that are likely to be affected by hydrostatic test discharges and discharge-related activities). Consider the following in determining the action area for your facility:

- Discharges of pollutants into downstream areas can expand the action area well beyond the footprint of your facility and the discharge point(s). Consider the controls you will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the discharges. All receiving waterbodies that could receive pollutants from your facility must be included in your action area.
- Discharge-related activities must also be accounted for in determining your action area. Discharge-related activities are any activities that cause, contribute to, or result in hydrostatic test point source discharges, and measures such as the siting, construction, and operation of vessels to control, reduce, or prevent pollutants from being discharged.

If you have any questions about determining the extent of your action area, you may contact EPA or the USFWS for assistance.

You must include a map **and a written description of** the action area of your facility in Attachment 1 of this appendix. You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (the *Information, Planning, and Consultation System*) located at <http://ecos.fws.gov/ipac/> (see Step 3 for information about using this tool).

You must proceed to Step 3 below.

STEP 3: DETERMINE IF LISTED THREATENED OR ENDANGERED SPECIES AND/OR CRITICAL HABITAT ARE PRESENT IN YOUR ACTION AREA.

You must determine whether species listed as either threatened or endangered under the Endangered Species Act (ESA), and/or their designated critical habitat(s)^b, are located in your facility's action area. Federally listed species and designated critical habitat are under the purview of the USFWS and in many cases, species and critical habitat lists will need to be acquired from the USFWS.

•For USFWS species information, use the on-line mapping tool IPaC (the *Information, Planning, and Consultation System*) located at <http://ecos.fws.gov/ipac/>, and follow these steps:

O *Select Get Started.*

O Select Enter Project Location

O Use an address, city name or other location to zoom into your project area

O Use the zoom feature to see the entire extent of your action area on the screen.

O Use one of the mapping features (e.g., Polygon or line feature) to draw your action.

- For the aquatic portion of your action area, trace the waterbody(ies) with the tool to characterize your action area.
- If your proposal will include any upland activities (i.e., discharge-related activities), or if there is some aspect of your discharge that would potentially result in effects to terrestrial species, include the corresponding upland areas within your action area.

O When you are done, press *Continue*.

O Click on “Define Project: Enter the project name as “Hydrostatic Test General Permit.” Also enter the project description. Click on “Save.” This will bring you to another page where you request an official species list.

O Select Request an Official Species List

O Complete the fields on the Official Species List Request page. – For Classification, select “Wastewater Pipeline” or Wastewater Facility” as appropriate.

O Select the appropriate requesting agency/organization type (for most dischargers, this should be “Other”).

O Submit the request to acquire an Official Species List, which should show both listed species as well as any designated critical habitat that are present in the action area in the previous step.

O *Note: If a link to an Official Species List is not available on the page, follow the web link of the office(s) indicated, or contact the office directly by mail or phone if a web link is not shown.*

The principal authority for critical habitat designations and associated requirements is found at 50 CFR Parts 17 and 226. See <http://www.access.gpo.gov>.

Attach a copy of the species and critical habitat list(s) from the USFWS to Attachment 2 of this appendix and use the list(s) to complete the rest of this worksheet. For FWS species, include the full printout from your IPaC query/Official Species List in Attachment 2. You can include the map from your IPaC query in Attachment 1.

If after following the steps you have determined that there are no listed species and/or designated critical habitat in your action area, you may be eligible for coverage under criterion 1.

If you have determined that there are or may be listed species and/or designated critical habitat in your action area, you are not eligible under criterion 1 and must proceed to [Step 4](#) below.

Criterion 1 Eligibility Requirements

Note: For existing dischargers that have previously obtained coverage under criterion 1, you must verify whether listed species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with listed species or critical habitat, you must proceed to [Step 4](#).

To be eligible for coverage under criterion 1, you must confirm that the following is true:

- I have confirmed there are no listed species and no critical habitat in my action area.

If the above is true, you may select criterion 1 on your NOI. You must also provide a description of the basis for the criterion selected on your NOI. You must include this completed worksheet in your NOI. *Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI submittal in the question “Provide a brief summary of the basis for the criterion selected in Appendix C.” If an Official Species List was not available on IPaC, list the contact date and name of the USFWS staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.*

If the above is not true, you may not select criterion 1 and must proceed to [Step 4](#) to determine if you can become eligible under criterion 3.

STEP 4: DETERMINE IF YOUR INDUSTRIAL FACILITY’S DISCHARGES OR DISCHARGE-RELATED ACTIVITIES ARE LIKELY TO ADVERSELY AFFECT LISTED THREATENED OR ENDANGERED SPECIES OR DESIGNATED CRITICAL HABITAT AND ANY MEASURES THAT MUST BE IMPLEMENTED TO AVOID ADVERSE EFFECTS

If in Step 3 you determined that listed species and/or designated critical habitat could exist in your action area, you must next assess whether your discharges and discharge-related activities are likely to adversely affect listed threatened or endangered species or designated critical habitat, and whether any additional measures are necessary to ensure no likely adverse effects. To make a determination of your facility’s likelihood of adverse effects, you must complete the attached [Criterion 3 Eligibility Requirement](#) and must submit this to EPA a minimum of 30 days prior to filing your NOI for permit coverage. After you submit your [Criterion 3 Eligibility Requirement](#), you may be contacted by EPA with additional measures that you must implement to ensure your eligibility under criterion 3.

**Criterion 3 Eligibility Documentation
(Suggested Format)**

Instructions:

To be eligible for coverage under criterion 3, you must provide the following information and you must submit it to EPA following the instructions in Section VII **a minimum of 30 days prior to filing your NOI for permit coverage.** After you submit your information, you may be contacted by EPA with additional measures (e.g., additional hydrostatic test controls or modifications to your discharge-related activities) that you must implement in order to ensure your eligibility under criterion 3.

If after completing this worksheet you cannot make a determination that your discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or designated critical habitat, you must submit this completed worksheet to EPA, and you may not file your NOI for permit coverage until you receive a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

SECTION I. OPERATOR, FACILITY, AND SITE LOCATION INFORMATION.**1) Operator Information**

a) Operator Name: _____

b) Point of Contact

First Name: _____ Last Name: _____

Phone Number: _____

E-mail: _____

2) Facility Information

a) Facility Name: _____

b) Check which of the following applies:

- I am seeking coverage under the hydrostatic test general permit as a new discharger or as a new source
- I am seeking coverage under the hydrostatic test general permit as an existing discharger and my facility has modifications to its discharge characteristics (e.g., changes in discharge flow or area drained, different pollutants) and/or discharge-related activities (e.g., hydrostatic test controls)

Indicate the number of years the facility has been in operation: _____ years

Provide your NPDES ID (i.e., permit tracking number) from your previous hydrostatic test general permit coverage: _____

I am seeking coverage under the hydrostatic test general permit as an existing discharger and there are no modifications to my facility.

Indicate the number of year the facility has been in operation: _____ years

Provide your NPDES ID (i.e., permit tracking number) from your previous hydrostatic test general permit coverage: _____

c) Facility Address:

Address 1: _____

Address 2: _____

City: _____ **State:** _____ **Zip Code:** _____

d) Identify the primary industrial sector to be covered:

SIC Code _____ **or Primary Activity Code** _____

e) Provide a general description of the hydrostatic test discharges that are taking place at this facility:

3) Receiving Waters Information

List all the hydrostatic test discharge outfalls from your facility				For each outfall, provide the following receiving water information:	
Outfall ID	Design Capacity (if known)	Latitude (decimal degrees)	Longitude (decimal degrees)	Name of the receiving water that receives hydrostatic test discharge water from the outfall	Type of Waterbody (e.g. lake, pond, river/stream/creek/estuarine/marine water)

Attach additional sheets as necessary

SECTION II. ACTION AREA

Ensure that your action area is described in Attachment 1, as required in Step 2.

SECTION III. LISTED SPECIES AND CRITICAL HABITAT LIST

Ensure that the listed species and critical habitat list is included in Attachment 2, as required in Step 3.

Review your species list in Attachment 2, choose one of the following three statements, and follow the corresponding instructions:

- The species list includes only terrestrial species and/or their designated critical habitat. No aquatic or aquatic-dependent species or their critical habitat are present in the action area. **You may skip to Section IV of this requirement. You are not required to fill out Section V.**
- The species list includes only aquatic and/or aquatic-dependent species and/or their designated critical habitat. No terrestrial species or their critical habitat are present in the action area. **You may skip to Section V of this requirement and are not required to fill out Section IV.**
- The species list includes both terrestrial and aquatic or aquatic-dependent species and/or their designated critical habitat. **You must fill out both Sections IV and V of this requirement.**

Note: For the purposes of this permit, “terrestrial species” would not include animal or plant species that 1) spends any portion of its life cycle in a waterbody or wetland, or 2) if an animal, depends on prey or habitat that occurs in a waterbody or wetland. For example, shorebirds, wading birds, amphibians, and certain reptiles would not be considered terrestrial species under this definition. Please also be aware that some terrestrial animals (e.g., certain insects, amphibians) may have an aquatic egg or larval/juvenile phase.

SECTION IV. EVALUATION OF DISCHARGE-RELATED ACTIVITIES EFFECTS

Note: You are only required to fill out this section if your facility’s action area contains terrestrial species and/or their designated critical habitat. If your action area only contains aquatic and/or aquatic-dependent species and/or their designated critical habitat, you can skip directly to Section V.

Most of the potential effects related to coverage under the hydrostatic test general permit are assumed to occur to aquatic and/or aquatic-dependent species. However, in some cases, potential effects to terrestrial species and/or their critical habitat should be considered as well from any discharge-related activities that occur during coverage under the hydrostatic test general permit.

A. Select the applicable statement(s) below and follow the corresponding instructions:

- There are no discharge-related activities that are planned to occur during my coverage under the hydrostatic test general permit. You can conclude that your discharge-related activities will have no likely adverse effects, and:
 - If there are any aquatic or aquatic-dependent species and/or their critical habitat in your action area, you must skip to Section V, Evaluation of Discharge Effects, below.
 - If there are no aquatic or aquatic-dependent species you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this requirement to EPA as specified in Section VII of this requirement. You may select criterion 3 on your NOI and may submit your NOI for permit coverage 30 days after you have submitted this Criterion 3 Eligibility requirement. You must also provide a description of the basis for the criterion you selected on your NOI, including the species and critical habitat list(s) in your action area, as well as any other documentation supporting your eligibility.
- There are discharge-related activities planned as part of the proposal. Describe your discharge-related activities in the following box and continue to (b) below.

Describe discharge-related activities:

B. To ensure any discharge-related activities will have no likely adverse effects on listed species and/or their designated critical habitat, you must certify that all the following are true:

- Discharge-related activities will occur:
 - in areas where listed species are not presentand
 - if discharge-related activities such as vessels will be sited in areas that will not result in isolation or degradation of nesting, breeding, or foraging habitat or other habitat functions for listed animal species (or their designated critical habitat), and will avoid the destruction of native vegetation (including listed plant species).

□ If vegetation removal (e.g., brush clearing or grubbing) or other similar activities will occur, no terrestrial listed species that use these areas for habitat would be expected to be present during vegetation removal.

If all the above are true, you can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or critical habitat in your action area, you must skip to Section V, Evaluation of Discharge Effects, below.

- If there are no aquatic or aquatic-dependent species you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this requirement to EPA as specified in Section VII of this requirement. You may select criterion 3 on your NOI and may submit your NOI for permit coverage 30 days after you have submitted this completed requirement. You must also provide a description of the basis for the criterion you selected on your NOI, **including the species and critical habitat list(s)**, and any other documentation supporting your eligibility.

- **If any of the above are not true**, you cannot conclude that your discharge-related activities will have no likely adverse effects. You must complete the rest of this requirement (if applicable) and must submit this to EPA for assistance in determining your eligibility for coverage.

SECTION V. EVALUATION OF DISCHARGE EFFECTS

Note: You are only required to fill out this section if your facility's action area includes aquatic and/or aquatic-dependent species and/or their critical habitat.

In this section, you will evaluate the likelihood of adverse effects from your facility's discharges. The scope of effects to consider will vary with each facility and species/critical habitat characteristics. The following are examples of discharge affects you should consider:

- **Hydrological Effects.** Hydrostatic test water discharges may adversely affect receiving waters from pollutant parameters such as turbidity, temperature, salinity, or pH. These effects will vary with the amount of hydrostatic test water discharged and the volume and condition of the receiving water. Where a hydrostatic test water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- **Toxicity of Pollutants.** Pollutants in hydrostatic test water may have toxic effects on listed species and may adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or state or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat. However, some listed species may be adversely affected at pollutant concentrations below benchmarks, effluent limitation guidelines, and state or tribal water quality standards.

As these effects are difficult to analyze for listed species, their prey, habitat, and designated critical habitat, this suggested format helps you to analyze your discharges and make a determination of

whether your discharges will have likely adverse effects and whether there are any additional controls you can implement to ensure no likely adverse effects.

A. Evaluation of Pollutants and Controls to Avoid Adverse Effects. In this section, you must document all of your pollutant sources and pollutants expected to be discharged in hydrostatic test water. You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic-and aquatic-dependent species. Attach additional pages if needed.

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species. Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photographs of your controls.

A. Evaluation of Pollutants and Controls to Avoid Adverse Effects. In this section, you must document all of your pollutant sources and pollutants expected to be discharged in hydrostatic test water. You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic-and aquatic-dependent species. Attach additional pages if needed.

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species. Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photographs of your controls.

Check if you are not able to make a preliminary determination that any of your pollutants will be controlled to a level necessary to avoid adverse effects on aquatic and/or aquatic-dependent listed species and their designated critical habitat. You must check in Section VI that you are unable to make a determination of no likely adverse effects and must complete the rest of the information.

B. Analysis of Effects Based on Past Monitoring Data. Select which of the following applies to your facility:

- I have no previous monitoring data for my facility because there are no applicable monitoring requirements.
- I have no previous monitoring data for my facility because I am a new discharger or a new source. You must provide information to support a conclusion that your facility's discharges are not expected to result in numeric effluent limit exceedances that will adversely affect listed species or their critical habitat:
- My facility has had exceedances of one or more numeric effluent limits under the previous individual or current general permit, but I have addressed them in my evaluation of controls to avoid adverse effects in (A) above. Describe all actions (including specific controls) that you will implement to ensure that the pollutants in your discharge(s) will not result in likely adverse effects from future exceedances.

Check if your facility has had exceedances of one or more numeric effluent limits under the previous individual permit or current general permit and you have not been able to address them to avoid adverse effects from future exceedances, or if you are a new discharger or a new source but you are not sure if you can avoid adverse effects from possible exceedances. You must check in Section VI that you are unable to make a determination of no likely adverse effects. You must submit your completed information to EPA for assistance in determining your eligibility for coverage. You may not file your NOI for permit coverage until you are able to make a determination that your discharges will avoid adverse effects on listed species and designated critical habitat.

SECTION VI VERIFICATION OF PRELIMINARY EFFECTS DETERMINATION

Based on Steps I – V of this suggested format, you must verify your preliminary determination of effects on listed species and designated critical habitat from your discharges and/or discharge-related activities:

- Following the applicable Steps in I – V above, I have made a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

- Following the applicable Steps in I – V above, I am not able to make a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

Certification Information

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 gathered and evaluated 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.

First Name, Middle Initial, Last Name: _____

Title: _____

Signature: _____ Date: _____

E-mail: _____

SECTION VII CRITERION 3 ELIGIBILITY DOCUMENTATION SUBMISSION INSTRUCTIONS

You must submit this information to EPA at:

U.S. Environmental Protection Agency, Region 6
Permitting Section (6WD-PE)
Water Division (WD)
1201 Elm Street, Suite 500
Dallas, TX 75270

When the electronic NOI becomes available, the applicant must apply for coverage using EPA's NPDES eReporting Tool (NeT) at <http://cdx.epa.gov>. Include any attachments and any applicable information that demonstrates how you will avoid or eliminate adverse effects to listed species or critical habitat (e.g., specific controls you will implement to avoid or eliminate adverse effects). **Any missing or incomplete information may result in a delay of your coverage under the permit.**

If you have made a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this information must be submitted a minimum of 30 days prior to submitting your NOI for permit coverage under criterion 3. Please note that during either the 30-day Criterion 3 Eligibility requirement review period prior to your NOI submission, or within 30 days after your NOI submission and before you have been authorized for permit coverage, EPA may advise you that additional information is needed, or that there are additional measures you must implement to avoid likely adverse effects.

If you are unable to make a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this worksheet must be submitted to EPA, but you may not file your NOI for permit coverage until you have received a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

Attachment 1

Include a **map and a written description** of the action area of your facility, as required in Step 2. You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (the Information, Planning, and Consultation System) located at <http://ecos.fws.gov/ipac/>.

The written description of your action area that accompanies your action area map must explain your rationale for the extent of the action area drawn on your map. For example, your action area written description may look something like this:

The action area for the (name of your facility)'s hydrostatic test water discharges extends downstream from the outfall(s) in (name of receiving waterbody) (# of meters/feet/kilometers/miles). The downstream limit of the action area reflects the approximate distance at which the discharge waters and any pollutants would be expected to cause potential adverse effects to listed species and/or critical habitat because (insert rationale). The action area does/does not extend to the (name of receiving waterbody)'s confluence with (name of confluence waterbody) because (insert rationale).

Note that your action area written description will be highly site-specific, depending on the expected effects of your facility's discharges and discharge-related activities, receiving waterbody characteristics, etc.

Attachment 2

List or attach the listed species and critical habitat in your action area on this sheet, as required in Step 3. You must include a list for applicable listed USFWS species and critical habitat. Include the full printout from your IPaC query. Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI submittal in the question “Provide a summary of the basis for the criterion selected in Section A.3.a. of this permit...” If an Official Species List was not available on IPaC, list the contact date and name of the USFWS staff with whom you corresponded to identify the existence of any USFWS species or critical habitat present in your action area.

a.1) Procedures for Determining Which Threatened and Endangered Species Protection Criterion Applies

The applicant must follow the procedures in this Part to determine the criterion listed above under which its site is eligible for permit coverage.

Step 1 - Determine if Discharges and Discharge-Related Activities Were Already Addressed in Another Operator's Valid Certification that is included in the action area.

- If the applicant's discharges and discharge-related activities were already addressed in another operator's valid certification that is included in the action area (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion 1, 3, 4, 5, or 6)), the applicant may select eligibility Criterion 2 on its NOI.

By certifying eligibility under Criterion 2, the applicant must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion 1, 3, 4, 5, or 6) to ensure that the discharges and discharge-related activities are protective of listed species and/or critical habitat.

Note: If the applicant is unable to meet these eligibility requirements, then it may either establish eligibility under one of the other criteria, or it may consider applying to EPA for an individual permit.

Under Criterion 2, the applicant must provide documentation in its NOI of any of these terms and conditions, as well as a description of the other operator's basis for establishing eligibility, including the eligibility criterion (1, 3, 4, 5, or 6) that was certified to by the other operator, and must provide the NPDES ID from the other operator's notification of authorization under this permit.

If the certification is based on another operator's certification under criterion 3, the applicant must provide the documentation required in the NOI for criterion 3, namely: 1) what federally listed species and/or designated habitat are in the proximity to the discharge location; and 2) the distance between the site and the listed species or designated critical habitat (in miles).

- If discharges and discharge-related activities from the site were not addressed in another operator's valid certification that included the applicant's action area, the applicant must follow the applicable procedures in Steps 2 through 5 below.

Step 2 - Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in the Site's Action Area.

The applicant must determine, to the best of its knowledge, whether species listed as either threatened or endangered, or their critical habitat(s) (see definitions of these terms in Appendix A), are in the site's action area. To make this determination, the applicant should first determine if listed species and/or critical habitat are expected to exist in the county or

township. The USFWS maintain lists of federally listed endangered or threatened species on its internet site.

- For USFWS species information, use the on-line mapping tool IPaC (the Information, Planning, and Consultation System) located at <http://ecos.fws.gov/ipac/>, and follow these steps:
 - Select Get Started
 - Select Enter Project Location
 - Use an address, city name or other location to zoom into your project area
 - Use the zoom feature to see the entire extent of your action area on the screen
 - Use one of the mapping features (e.g., Polygon or line feature) to draw your action
 - When you are done, press *Continue*.
 - Click on “Define Project: Enter the project name as “Hydrostatic Test General Permit.” Also enter the project description. Click on “Save.” This will bring you to another page where you request an official species list.
 - Select Request an Official Species List
 - Complete the fields on the Official Species List Request page. – For Classification, select “Wastewater Pipeline” or Wastewater Facility” as appropriate.
 - Select the appropriate requesting agency/organization type (for most dischargers, this should be “Other”).
 - Submit the request to acquire an Official Species List, which should show both listed species as well as any designated critical habitat that are present in the action area in the previous step.
- *Note: If a link to an Official Species List is not available on the page, follow the web link of the office(s) indicated, or contact the office directly by mail or telephone if a web link is not shown.*
- ***If listed species and/or critical habitat may exist in the action area, the applicant must do one or more of the following:***
 - o Conduct visual inspections. This method may be particularly suitable for hydrostatic test discharge sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat.
 - o Conduct a formal biological survey. In some cases, particularly for larger vessels with extensive hydrostatic test discharges, biological surveys may be an appropriate way to assess whether species are in the action area and whether there are likely to be adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
 - o If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA). Some projects activities might require review under NEPA for specific reasons, such as federal funding or other federal involvement in the project.
 - o Follow the instructions in Steps 3 – 5 below, as applicable. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this hydrostatic test General Permit may require measures to protect critical habitat that are separate from those to protect listed species.
- ***If there are no listed species and no critical habitat areas in the action area, the applicant may check eligibility criterion 1 on the NOI.*** The applicant must also provide a description of

the basis for the criterion selected on the NOI and provide documentation supporting the criterion.

Step 3 - Determine if the hydrostatic test Activity's Discharges or Discharge-Related Activities Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat.

If in Step 2 the applicant determines that listed species and/or critical habitat could exist in the action area, the applicant must next assess whether the discharges or discharge-related activities are likely to adversely affect listed threatened or endangered species or designated critical habitat.

Potential adverse effects from discharges and discharge-related activities include:

- *Toxicity.* In some cases, the applicant may use treatment chemicals in the hydrostatic test water which may have toxic effects on listed species.

The scope of effects to consider will vary with each project. If the applicant is having difficulty determining whether the project is likely to adversely affect listed species or critical habitat, or the USFWS has already raised concerns to the applicant, the applicant should contact the USFWS for assistance.

- ***If adverse effects to listed threatened or endangered species or their critical habitat are not likely, then the applicant may select eligibility criterion 3 on the NOI.*** The applicant must provide the following specific information on the NOI: 1) the federally listed species and/or designated habitat are in the "action area"; and 2) the distance between the site and the listed species or designated critical habitat (in miles). The applicant must also provide a copy of the site map with the NOI.

- ***If adverse effects to listed threatened or endangered species or their critical habitat are likely,*** the applicant must follow Step 4 below.

Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

If the applicant makes a preliminary determination in Step 3 that adverse effects from the hydrostatic test discharges or discharge-related activities are likely to occur, the applicant can still receive coverage under eligibility criterion 3 of the hydrostatic test General Permit if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for General Permit coverage.

These measures may involve relatively simple changes to hydrostatic test discharge activities such as re-routing the hydrostatic test discharge to bypass an area where species are located. If the applicant is unable to ascertain which measures to implement to avoid the likelihood of adverse effects, the applicant must coordinate or enter into consultation with the USFWS, in which case the applicant would not be eligible for coverage under eligibility criterion 3 but

may instead be eligible for coverage under eligibility criterion 4, 5, or 6 (described in more detail in Step 5).

• **If the applicant can install and implement appropriate measures to avoid the likelihood of adverse effects**, *then the applicant may check eligibility criterion 3 on the NOI*. The measures adopted to avoid or eliminate adverse effects must be implemented for the duration of the hydrostatic test project and coverage under the hydrostatic test discharge General Permit. The applicant must also provide a description of the basis for the criterion selected, and the following specific information on the NOI: 1) the federally listed species and/or designated habitat are in the “action area”; and 2) the distance between the site and the listed species or designated critical habitat (in miles).

• **If the applicant cannot ascertain which measures to implement to avoid the likelihood of adverse effects**, the applicant must follow the procedures in Step 5.

Step 5 - Determine if the Eligibility Requirements of Criterion 4, 5, or 6 Can Be Met

If in Step 4 the applicant cannot ascertain which measures to implement to avoid the likelihood of adverse effects, the applicant must contact the USFWS. The applicant may still be eligible for hydrostatic test General Permit coverage if likely adverse effects can be addressed through meeting criterion 4, 5, or 6.

- **Criterion 4:** Coordination between the applicant and the USFWS has concluded. The coordination must have addressed the effects of the site’s discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat and resulted in a written concurrence from the USFWS that the site’s discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat.

If the applicant has met the requirements of criterion 4, *the applicant may select eligibility criterion 4 on the NOI*. The applicant must provide a description of the basis for the criterion selected on the NOI and must include copies of the correspondence with the USFWS in the NOI.

- **Criterion 5:** Consultation between a Federal Agency and the USFWS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the site’s discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either (1) a biological opinion that concludes that the action in question (taking into account the effects of the site’s discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or (2) written concurrence from the USFWS with a finding that the site’s discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated habitat.

For more information on section 7 consultation, see 50 CFR § 402. If the applicant receives a “jeopardy opinion,” the applicant may continue to work with the Fish and Wildlife USFWS and the Region to modify its project so that it will not jeopardize listed species or designated critical habitat.

Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-federal representative, the applicant must follow the procedures found in 50 CFR § 402 of the ESA regulations. The applicant must notify the USFWS of its intention and agreement to conduct consultation as a non-federal representative.

Consultation may also occur in the context of another federal action at the hydrostatic test discharge site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a National Environmental Protection Act (NEPA) review is performed for the project that incorporates a section 7 consultation).

Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the NOI. As noted above, operators may if they wish, initiate consultation with the USFWS at Step Four.

Whether ESA section 7 consultation must be performed with the USFWS, depends on the listed species that may be affected by the operator’s activity. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

If the applicant has met the requirements of criterion 5, the applicant may select eligibility criterion 5 on the NOI. The applicant must provide a description of the basis for the criterion selected on its NOI and must include copies of the correspondence with the USFWS in its NOI.

- Criterion 6: The applicant must follow USFWS procedures when applying for an ESA section 10 permit (see 50 CFR § 17.22(b)(1) for USFWS. Application instructions for section 10 permits can be obtained from <http://www.fws.gov> or by contacting the USFWS office.

If the applicant has met the requirements of criterion 6, the applicant may select eligibility criterion 6 on the NOI. The applicant must provide a description of the basis for the criterion selected on its NOI and must include copies of the correspondence with the USFWS in its NOI.

Applicants who cannot certify to one of the endangered species eligibility criteria cannot submit an NOI to gain coverage under the general permit; instead, they must apply to EPA for an individual NPDES permit. As appropriate, EPA will conduct ESA section 7 consultations when issuing individual permits. Regardless of an applicant’s eligibility certification under one of the six criteria, EPA may require an application for an individual permit based on adverse effects to species and/or habitat.

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APPENDIX D – PROCEDURES RELATING TO HISTORIC PROPERTIES PRESERVATIONS

Key Terms

Historic Property – Prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties.

ACHP – Advisory Council on Historic Preservation; an independent Federal agency.

SHPO – The State Historic Preservation Officer for a particular state.

THPO or Authorized Tribal Representative – The Tribal Historic Preservation Officer for a particular Tribe, or if there is no THPO, the representative designated by such Tribe for NHPA purposes. Historic properties could have significance to more than one Indian tribe; therefore, all Indian tribes that attach religious and cultural significance to a historic property must be identified and included in the historic properties screening process.

Area of Potential Effects (APE) – The geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

D.1 Background

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of Federal “undertakings”, such as the issuance of this permit, on historic properties that are either listed or eligible for listing on the National Register of Historic Places. To address any issues relating to historic properties relating to the issuance of this permit, EPA has developed the screening process in this appendix that enables facility operators to appropriately consider the potential impacts, if any, from the hydrostatic test water discharges on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverage of individual industrial facilities under this permit does not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means of addressing historic property issues relating to EPA’s issuance of the permit.

Before an operator is eligible for coverage under this general permit, the operator must meet one of the certification criteria related to historic properties included in the permit. In the event an operator cannot meet any of the certification criteria included in the permit relating to historic properties, the operator must apply for an individual permit.

The operator must meet one or more of the four criteria (1-4), which are also included in Section A.3.b, to be eligible for coverage under this permit.

Activities with No Potential to Have an Effect on Historic Properties

A determination that a Federal undertaking has no potential to have an effect on historic properties fulfills an agency's obligations under the NHPA. EPA has reason to believe that the vast majority of activities authorized under the hydrostatic test general permit have no potential to have effects on historic properties. The purpose of this permit is to control pollutants that may be discharged during hydrostatic testing of vessels. EPA does not anticipate effects on historic properties from the pollutants in the hydrostatic test water discharges from these vessels. Thus, to the extent EPA's issuance of this general permit authorizes discharges of such constituents, the permitting action does not have the potential to cause effects on historic properties.

Both existing and new dischargers must follow the historic property screening procedures to determine their eligibility.

Activities with Potential to Have an Effect on Historic Properties

EPA believes this permit may have some potential to have an effect on historic properties where the vessels are possibly located in an area where artifacts, records, or remains associated with historic properties could be impacted. Therefore, if the vessels are in an area where historic properties may be affected, the operator will need to ensure (1) that historic properties will not be impacted by its activities or (2) that the operator have consulted with the appropriate SHPO, THPO, or other tribal representative regarding measures that would mitigate or prevent any adverse effects on historic properties.

Historic Property Screening Process

The operator should follow the following screening process to certify compliance with historic property eligibility requirements under this permit (see Section A.3.b). The following four steps describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

Step One: Are you an existing facility?

If you are an existing facility, you should have already addressed NHPA issues. As long as you are not constructing or installing any new hydrostatic test water control measures then you have met eligibility Criterion 1 of the general permit. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If you are an existing facility and will construct or install hydrostatic test water control measures, then you should proceed to Step Three.

If you are a new facility, then you should proceed to Step Two.

Step Two: Are you a new facility?

If the answer to the Step Two question is yes, then you should proceed to Step Three.

Step Three: Do you have any evidence that shows historic properties do not exist or evidence that preclude the existence of historic properties?

If you have evidence that revealed the absence of historic properties or preclude the existence of historic properties, then you have no further obligations relating to historic properties. You have met eligibility Criterion 2 of the hydrostatic test general permit. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If the answer to the Step Three question is no, then you should proceed to Step Four.

Step Four: Contact the appropriate historic preservation authorities

If you do not have evidence that shows the absence of historic properties or that preclude the existence of historic properties, and the answer to Step Three is no, then you should contact the relevant SHPO, THPO, or other tribal representative to determine the likelihood that artifacts, records, or remains are potentially present on your site. This may involve examining local records to determine if historic artifacts have been found in nearby areas, as well as limited surface and subsurface examination carried out by qualified professionals.

If through this process it is determined that such historic properties potentially exist and may be impacted by the hydrostatic test discharges, you should contact the relevant SHPO, THPO, or tribal representative in writing and request to discuss mitigation or prevention of any adverse effects. The letter should describe your facility, the nature and location of hydrostatic test discharges that are contemplated, any known or suspected historic properties in the area, and any anticipated effects on such properties. The letter should state if the SHPO, THPO, or tribal representative does not respond within 30 days of receiving your letter, you may submit your NOI without further consultation. EPA encourages applicants to contact the appropriate authorities as soon as possible in the event of a potential adverse effect to an historic property.

If the SHPO, THPO, or tribal representative sent you a response within 30 days of receiving your letter and you enter into, and comply with, a written agreement with the SHPO, THPO, or other tribal representative regarding how to address any adverse impacts on historic properties, you have met eligibility Criterion 3. In this case, you should retain a copy of the written agreement. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA delay authorization based on concerns about potential adverse impacts to historic properties. However, EPA would generally accept any written agreement as fully addressing such

concerns unless new information was brought to the Agency's attention that was not considered in your previous discussions with the SHPO, THPO or other tribal representative.

If you receive a response within 30 days after the SHPO, THPO, or tribal representative received your letter and you consult with the SHPO, THPO or tribal representative regarding adverse impacts to historic properties and measures to mitigate them but an agreement cannot be reached between you and the SHPO, THPO, or other tribal representative, you have still met the eligibility for Criterion 3. In this case you should include in your NOI a brief description of potential effects to historic properties, the consultation process, any measures you will adopt to address the potential adverse impacts, and any significant remaining disagreements between you and the SHPO, THPO or other tribal representative. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA delay authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If you have contacted the SHPO, THPO, or tribal representative in writing regarding your potential to have an effect on historic properties and the SHPO, THPO, or tribal representative did not respond within 30 days of receiving your letter, you have met eligibility Criterion 4. You are advised to get a receipt from the post office or other carrier confirming the date on which your letter was received. In this case, you should submit a copy of your letter notifying the SHPO, THPO or tribal representative of potential impacts with your NOI. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

Addresses for various communities including State Historic Preservation Officers and Tribal Historic Preservation Officers may be found on the Advisory Council on Historic Preservation's website (<https://www.achp.gov/preserve-america/preserve-america-communities>)
In instances where a Tribe does not have a Tribal Historic Preservation Officer, you should contact the appropriate Tribal government office when responding to this permit eligibility condition.

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APPENDIX E: MINIMUM QUANTIFICATION LEVEL (MQL)

The following Minimum Quantification Levels (MQL's) are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

POLLUTANTS	MQL
	MQL
	µg/l
Benzene	10
Total Residual Chlorine	33
Ethylbenzene	10
Toluene	10

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APPENDIX F: CONDITIONS APPLICABLE TO SPECIFIC STATE OR TRIBAL JURISDICTIONS

I. State of New Mexico-specific conditions, NMG270000

a) Permit Limits

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	MON AVG	DAY MAX	MON AVG	DAY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Benzene (*2)	N/A	N/A	N/A	5 µg/L	Daily (*1)	Grab
Toluene (*2)	N/A	N/A	N/A	520 µg/L	Daily (*1)	Grab
Ethylbenzene (*2)	N/A	N/A	N/A	130 µg/L	Daily (*1)	Grab
Xylene (*2)	N/A	N/A	N/A	620 µg/L	Daily (*1)	Grab

Footnotes

*1 When discharging.

*2 Benzene, Toluene, Ethylbenzene, and Xylene limits applies only to discharge from existing vessels

b) Duplicate copies of DMRs and all other reports shall be submitted to New Mexico at the following address:

New Mexico:

New Mexico Environment Department
 Surface Water Quality Bureau
 Program Manager, Point Source Regulation Section
 1190 Saint Francis Drive
 P.O. Box 5469
 Santa Fe, NM 87502-5469

- c) WATERBODY SEGMENT/STREAM/WATER defined in the New Mexico Standards for Interstate and Intrastate Surface Waters as a classified water of the state described in 20.6.4.101 through 20.6.4.899 NMAC. The water within a segment should have the same uses, similar hydrologic characteristics or flow regimes, and natural physical, chemical and biological characteristics and exhibit similar reactions to external stresses, such as the discharge of pollutants
 [20.6.4.7 NMAC – Definitions]
 (2) “Segment” means a classified water of the state described in 20.6.4.101 through 20.6.4.899 MAC. The water within a segment should have the same uses, similar hydrologic characteristics or flow regimes, and natural physical, chemical and biological characteristics and exhibit similar reactions to external stresses, such as the discharge of pollutants.
- d) A copy of the agreement stated in Part I Requirements for NPDES, Section A Permit Applicability and Coverage Conditions, Section 8, Change in Ownership should be sent to NMED.

A copy of the agreement should contain a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees should be submitted to New Mexico at the following address:

New Mexico Environment Department
Surface Water Quality Bureau
Program Manager, Point Source Regulation Section
1190 Saint Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469
psrs.program.manager@env.nm.gov

- e) For Part III Standard Conditions, Section D Reporting Requirements, NMED shall be copied on the notifications for items #1, #2, #3, #8, #9. The permittee shall copy NMED on these notices at the address provided in Part III.D.4
- f) Any bypass allowed by Part III.A.10 of this permit must be captured in secondary containment to minimize discharges to waters of the United States. To discharge to the fields or the surface in New Mexico, permittees must file a Notice of Intent to Discharge to the New Mexico Environment Department or the New Mexico Energy, Minerals, And Natural Resources Department as required by 20.6.2.1201 NMAC.
[20.6.2.1201 NMAC – Notice of Intent to Discharge]
- g) Operators must notify NMED when discharges of toxic or hazardous substances or oil from a spill or other release occurs. For emergencies, Operators can call 505-827-9329 at any time. For non-emergencies, operators can call 866-428-6535 (voice mail 24-hours per day) or 505-476-6000 during business hours from 8am-5pm, Monday through Friday. Operators can also call the NMED Surface Water Quality Bureau directly at 505-827-0187.
[20.6.2.1203 NMAC – Notification of Discharge-Removal]
- h) All discharges in New Mexico covered under this Hydrostatic Test General Permit shall monitor and report per- and poly- fluoroalkyl substances (PFAS) in effluent to the New Mexico Environment Department once per year during the permit term. Samples shall be analyzed by an accredited laboratory for all 40 PFAS analytes using EPA Method 1633 (EPA 2021¹). Method and analysis shall be sufficiently sensitive to evaluate the New Mexico screening level for PFOA and PFOS.
- i) This general permit does not authorize the use of domestic wastewater, reclaimed water, treated and/or reclaimed produced water, or wastewater generated by other industrial operations for hydrostatic testing and discharge. This prohibition does not include treated domestic wastewater, reclaimed water, or wastewater generated by other industrial operations that would be authorized to be discharges to that same receiving water by a NPDES and/or State discharge permit.”

¹ <https://www.epa.gov/cwa-methods>

The PFAS screening level in New Mexico is indicated below. The screening level is not a standard of quality and purity for the surface waters of New Mexico but allows detection and further evaluation of the existence of PFAS in industrial discharges to determine if more attention is warranted.

PFAS Screening Level for New Mexico*

PFOA + PFOS 0.070 µg/L

* Concentrations of PFOA and PFOS are summed before being compared to the screening level.

If PFOA and/or PFOS are detected above the New Mexico screening level, NMED encourages the permittee to identify ways to minimize, reduce, and eliminate PFAS from the industrial activity, if practicable, through product substitution and/or additional best management practices and operational controls.

The permittee shall submit annual PFAS reports to NMED no later than December 31st each year at the following address:

Point Source Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502-5469
psrs.program.manager@env.nm.gov

Annual PFAS reports shall include the monitoring results for all 40 PFAS analytes under EPA Method 1633 and shall describe corrective action(s) taken to reduce or eliminate PFAS in the discharge, if any. The analytical laboratory report, analytical case narrative, qualifier codes (i.e., data flags), field notes, and any other relevant quality management actions and measures shall be included in the Annual Report. Data shall be reported electronically in either excel or compatible format and included as an attachment to the Annual PFAS Report.

NMED may suspend the requirement to monitor and report PFAS under the following circumstances:

- (A) If the permittee determines it is not technically practicable to measure PFAS in their hydrostatic test discharge; or
- (B) If the first two sample events determine that it is unlikely that PFAS exist in a permittee's hydrostatic test discharge, or the permittee provides facility data that demonstrate PFAS are unlikely to be present in the hydrostatic test discharge; or
- (C) If the permittee is subject to duplicative or more stringent PFAS requirements.

However, to be exempted for these reasons, the permittee must submit documentation to NMED for approval.

Specific Conditions for Tribes in New Mexico

II. Nambe Pueblo – Specific Conditions, NMG27I000

- a) All operators obtaining permit coverage under the EPA general permit for hydrostatic testing, must forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA’s [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA’s [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA’s [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the address stated below within seven business days of e-mail notification. Additionally, a copy of the email notification for NOI modifications and the NOT shall be provided within two business days of submittal to the EPA. The NOI and NOT e-mail confirmation must be provided to the following addresses:

Office of the Governor
Nambe Pueblo
15A Bay Poe
Nambe Pueblo, New Mexico 87506
governor@nambepueblo.org

Or

Victoria Atencio
DENR Manager-Nambe Pueblo
15A Bay Poe
Nambe Pueblo, New Mexico 87506
vatencio@nambepueblo.org

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using the [Permit Lookup tool](#).

- b) The operator must provide copies of DMRs at the same time the DMR is submitted to the EPA. The DMR should be mailed and emailed to the Office of the Governor and/or the DENR manager at the address listed above.
- c) The operator must notify Nambe Pueblo Office of the Governor within a week’s time frame in the event of a bypass or upset, in addition to the requirements in Section D: Reporting Requirements of the permit, at the address stated above.

III. Ohkay Owingeh Pueblo – Specific Conditions, NMG27I000

- a) All operators obtaining permit coverage under the EPA general permit for hydrostatic testing, must forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA’s [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA’s [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA’s [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the Ohkay Owingeh Office of Environmental Affairs within two business days of e-mail notification to the following address:

Governor, J Patrick Aguino
P.O. Box 1099
Ohkay Owingeh, NM 87566

Naomi L. Archuleta
OOEA Program Manager
P.O. Box 717
Ohkay Owingeh, NM 87566
naomi.archuleta@ohkay.org
noah.kaniatobe@ohkay.org

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using the EPA’s [Permit Lookup tool](#).

- b) The operator must notify Office of Environmental Affairs within 24 hours, in the event of a bypass or upset, in addition to the requirements in Section D: Reporting Requirements of the permit, to the following address:

Naomi L Archuleta
OOEA Program Manager
P.O. Box 717
Ohkay Owingeh, NM 87566
naomi.archuleta@ohkay.org
noah.kaniatobe@ohkay.org

- c) Duplicate copies of DMRs including all required or requested permittee specific information shall be submitted at the address listed above

IV. Pueblo of Picuris-Specific Conditions, NMG27I000

- a) All operators obtaining permit coverage under the EPA general permit for hydrostatic testing, must forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA's [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA's [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA's [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the Picuris Pueblo Environmental Department within two business days of e-mail notification. In addition, a copy of the confirmation e-mail on the NOI modification and NOT shall be sent at the following address:

Craig Quanchello, Governor
P.O. Box 127
Penasco, NM 87553

Cynthia Naha, Environmental Director
P.O. Box 158
Penasco, NM 87553

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using EPA's [Permit Lookup tool](#).

- b) The operator must provide copies of the DMRs at the same Time that the DMRs are submitted to EPA. All DMRs shall be emailed to the Picuris Pueblo Environment Department at environment@picurispueblo.org.
- c) The operator must notify the Picuris Pueblo Environmental Department within 10 days in the event of a bypass or upset, in addition to the requirements in Section D: Reporting Requirements of the permit.

V. Pueblo of Sandia -Specific Conditions, NMG27I000

- a) All operators obtaining permit coverage under the EPA general permit for hydrostatic testing must forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA's [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA's [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA's [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the Pueblo of Sandia water Quality Manager and the Pueblo of Sandia Environmental Director immediately upon receipt. In addition, a copy of the confirmation e-mail on the NOI modification shall be sent at the following address:

Pueblo of Sandia:

Email to Amy Rosebrough (Water Quality Manager): ARosebrough@sandiapueblo.nsn.us
and Greg Kaufman (Environment Director): gkaufman@sandiapueblo.nsn.us

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using EPA's [Permit Lookup tool](#).

- b) Duplicate copies of DMRs and all other reports shall be submitted to the Pueblo of Sandia at the address listed above.
- c) For existing vessels, the NOI must include a plan for pre-cleaning the vessel prior to the hydrostatic test discharge. All pre-cleaning fluids must be hauled off-site and disposed of in accordance with applicable regulations. The operator will be the owner of these fluids and any cost to dispose of them in accordance with applicable regulations will be the responsibility of the operator. The plan must include what the vessel to be tested contained prior to the test and ensure no pre-cleaning fluid will be discharged to WOTUS, and how the pre-cleaning fluid will be disposed.
- d) For existing vessels, the NOI must include a water quality sampling plan that follows the permit specifications. The Pueblo of Sandia Environment Department may add necessary constituents to be monitored depending on what was contained in the vessel prior to the hydrostatic test.
- e) If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary on a case-by-case basis to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards.
- f) The Pueblo of Sandia will send an "Authorization to Proceed Letter" with site specific mitigation requirements to the permittee when a review of the NOI is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.

- g) The discharge of the test water must be limited to a rate which does not cause excessive erosion or wildlife disturbance.
- h) The operator must provide copies of all discharge monitoring reports to the Pueblo of Sandia at the contacts listed above.
- i) The operator must notify the Pueblo of Sandia within 24 hours in the event of an emergency spill at the contact listed above.
- j) The operator must submit a copy of the NOT to the Pueblo of Sandia at the contacts listed above. Prior to submitting an NOT, the permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that the discharge site has been stabilized. The Pueblo of Sandia Environment Department will send a letter to the permittee stating that the NOT is acceptable, and all requirements have been met. This letter will be attached to the permittee's NOT submission to the EPA.

VI. Pueblo of Santa Ana- Specific Conditions, NMG27I000

- a) The permittee shall forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA's [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA's [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA's [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the Pueblo within two business days of e-mail notification at the following address:

Tammy.Montoya@santaana-nsn.gov
Andrew.Sweetman@santaana-nsn.gov

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using EPA's [Permit Lookup tool](#).

These are for projects with discharges onto the lands of the Pueblo as defined in the Pueblo's antidegradation policy within the Pueblo of Santa Ana WQS.

- b) The permittee shall provide copies of inspections reports and of corrective action reports to the Pueblo at the address below for review, upon request.
- c) Upon completion of the project identified in the NOI, the permittee will submit a copy of the NOT to the Pueblo.
- d) Duplicate copies of DMRs including all required or requested permittee specific information identified above shall be submitted to the following address:

Pueblo of Santa Ana Department of Natural Resources,
Attention: Water Resources Division
2 Dove Road
Santa Ana Pueblo, NM 87004
Tammy.Montoya@santaana-nsn.gov
Andrew.Sweetman@santaana-nsn.gov

VII. Santa Clara Pueblo – Specific Conditions, NMG27I000

- a) All operators obtaining permit coverage under the EPA general permit for hydrostatic testing, must forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA’s [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA’s [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA’s [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the Santa Clara Pueblo Office of Environmental Affairs, Dino Chavarria, Director, dinoc@santaclarapueblo.org within two business days of e-mail notification. In addition, a copy of the confirmation e-mail on the NOI and NOT shall be sent at the e-mail listed above.

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using EPA’s [Permit Lookup tool](#).

- b) The operator must provide copies of DMRs at the same time the DMR is submitted to the EPA. The DMR should be emailed to the Pueblo Environmental office at the same address in specific condition a) above.

VIII. Pueblo of Taos- Specific Conditions, NMG27I000

- a) All operators obtaining permit coverage under the EPA general permit for hydrostatic testing must forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA's [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA's [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA's [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the Taos Pueblo Governor's office and Taos Pueblo Environmental Office within two business days of e-mail notification. In addition, a copy of the confirmation e-mail on the NOI modification and NOT shall be sent at the following address:

Taos Pueblo Governor's Office
PO Box 1846
Taos, NM 87571
governor@taospueblo.com
tribalsecretary@taospueblo.com

Taos Pueblo Environmental Office
PO Box 1846
Taos, NM 87571
mvigil@taospueblo.com

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using the EPA's [Permit Lookup tool](#).

- b) The operator must provide copies of DMRs at the same time the DMR is submitted to the EPA. The DMR should be mailed/email to Taos Pueblo Environmental Office at address listed above.
- c) The operator must notify Taos Pueblo Governor's Office and Taos Pueblo Environmental Office within three (3) business days, in the event of a bypass or upset, in addition to the requirements in Section D: Reporting Requirements of the permit. Notice must be sent to both the above listed addresses.

IX. Pueblo of Tesuque – Specific Conditions, NMG27I000

- a) Discharges to surface waters with high-quality coldwater fishery use, within the Aspen Ranch and the Vigil Grant and headwaters of the Rio Tesuque are not eligible for this permit.
- b) All operators obtaining permit coverage under the EPA general permit for hydrostatic testing, must forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA’s [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA’s [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA’s [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the Pueblo of Tesuque Department of Environment and Natural Resources (DENR) and the Pueblo’s Governor within three business days of e-mail notification. In addition, the final permit has also included requirements to send a copy of the confirmation e-mail on the NOI modification and NOT at the following address:

Governor Earl Samuel
Pueblo of Tesuque
20 TP 828
Santa Fe, NM 87506
governor@pueblooftesuque.org

Sage Mountainflower
Pueblo of Tesuque
Department of Environment and Natural Resources Director
20 TP 828S
Santa Fe, NM 87506
sagem@pueblooftesuque.org

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using EPA’s [Permit Lookup tool](#).

- c) The operator must provide copies of DMRs at the same time the DMR is submitted to the EPA. The DMR should be mailed and emailed to the Pueblo of Tesuque DENR and the Pueblo’s Governor at the same time the DMR is submitted to EPA, using the above listed contacts.
- d) The operator must notify the Pueblo of Tesuque DENR within 24 hours in the event of a bypass or upset, in addition to the requirement in Section D: Reporting requirement of the permit.

X. State of Oklahoma – Specific Condition, OKG27F000

- a) The pH limits for the discharges of hydrostatic test water from vessels shall be between 6.5 and 9.0 Standard. See Oklahoma WQS, OAC 785: 45-5-12(f)(3).

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units			
POLLUTANT	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	6.5	9.0	Daily (*1)	Grab

Footnote

*1 When discharging.

- b) Duplicate copies of DMRs and all other reports shall be submitted to Oklahoma at the following address:

Oklahoma:
 Water Quality Division
 Oklahoma Department of
 Environmental Quality
 PO Box 1677
 Oklahoma City, OK 73101-1677

XI. Pawnee Nation of Oklahoma – Specific Conditions, OKG27I000

- a) All operators must forward a confirmation e-mail that indicates that the eNOI was filed. The public can view submitted/approved/terminated NOIs by using EPA’s [Permit Lookup tool](#). All pending eNOIs received by EPA that EPA proposes to authorize will be available on the EPA’s [Permit Lookup tool](#) for a minimum of thirty (30) days. The eNOI will be approved after 30 days and can also be obtained from the EPA’s [Permit Lookup tool](#).

A copy of the confirmation e-mail shall be sent to the address stated below at the same time that the e-mail notification is received. In addition, the final permit has also included requirements to send a copy of the confirmation e-mail on the NOI modification and NOT at the following address:

Pawnee Nation Department of Environmental Conservation and Safety (DECS)
P.O. Box 470
Pawnee, OK 74058
Or email to dnrs@pawneenation.org

Information contained in the confirmation email (which includes the NPDES Identification number, facility name, as well as operator name) will be used to obtain either the pending eNOI or the approved eNOI using EPA’s [Permit Lookup tool](#).

- b) The operator must email copies of the DMR to the DECS at dnrs@pawneenation.org, at the same time the DMR is submitted to the EPA.
- c) The operator must provide access to the site for inspections, copies of inspection reports, copy of the corrective action log and modifications for the hydrostatic testing upon request by the Pawnee Nation DECS.
- d) The operator must notify DECS at 918.762.3655 immediately in the event of a bypass or upset, and/or upon discovery of any noncompliance with any other provision of the permit conditions.
- e) The operator must assure compliance with all other applicable laws and regulations for accessing the Pawnee Nation including 13PNC7 (Pipeline Permit) for the purpose of performing pipeline services.