



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243-1534

Addendum to Rationale
Including
Record of Comments and Responses
(Notice of Determination)

General National Pollutant Discharge Elimination System (NPDES)
Permit for Discharges of Hydrostatic Test Water
Permit No. TNG670000

March 16, 2011

Administrative Record

The permit rationale (or fact sheet) dated December 20, 2010, sets forth the Division of Water Pollution Control's (division's) basis for permit conditions to be applied statewide for the issuance of the new Tennessee National Pollutant Discharge Elimination System (NPDES) General NPDES Permit for Discharges of Hydrostatic Test Water (Hydrostatic GP). The Hydrostatic GP is intended to authorize point source discharges to waters of the State of Tennessee from hydrostatic test water from new and used facilities, including pipelines, flowlines, and storage tanks. The current Hydrostatic GP expired on December 14, 2010. On December 20, 2010, the division issued Public Notice #PH10-020, which announced the public hearing:

Place: L&C Tower, 17th Floor, Room B
401 Church Street, Nashville, TN
Date: January 21, 2011
Time: 12:00 p.m. CDT

On December 20, 2010, the division issued Public Notice #MMX-024, which announced its intent to issue the Hydrostatic GP. Copy of the draft Hydrostatic GP permit was made available in an electronic format on the division's web site at <http://tn.gov/environment/wpc/ppo/tng670000draft.pdf>. The proposed NPDES permit was drafted in accordance with the provisions of the Federal Water Pollution Control Act, the Tennessee Water Quality Control Act, and other lawful standards and regulations. There were no comments received through the end of the comment period (January 31, 2011). This Notice of Determination (NOD) serves as the division's response to questions, comments and issues that were raised at the hearing and/or submitted during the subsequent comment period.

Comments and responses

Comment: Section 6.1 Limits table - pH
Do you mean an "instantaneous" minimum and maximum (or a "daily" minimum or maximum) for pH?
[for "used natural gas" and "used petroleum product"]

Response: pH limitations are expressed as an "instantaneous" minimum and maximum. These discharges often last for few hours only, and we see no reason for pH to be outside the 6-9 range at any time during discharge. pH measurements are also typically taken prior to discharge, confirming compliance with permit limitations. The limitations table was modified to reflect this (emphasis added):

Vessel Type	Parameter	Limit
Used natural gas	pH	6.0 standard units as an instantaneous minimum
		9.0 standard units as an instantaneous maximum
Used petroleum product	pH	6.0 standard units as an instantaneous minimum
		9.0 standard units as an instantaneous maximum

Comment: PCBs - Should "used petroleum product" also have a PCB limit? If not, why not? If not, then note you had included it in rationale (page 6, section 4).

Response: PCBs associated with transport of used natural gas are strictly related to air compressor stations. In other words, we never expect to see any PCBs associated with products conveyed or stored in vessels (gaseous or liquid). Consequently, as air compressors are not used for moving "used petroleum product" (pumps are used for liquid pipelines), there is no need for PCB sampling.

Comment: Benzene - It might clarify it if you brought your footnotes up to the limits table.

The footnote ** has been deleted, and effluent limitations table edited to read:

Benzene:

5 µg/l as a daily maximum for water body segments classified for domestic water supply or if a domestic water intake is located within five miles downstream

510 µg/l as a daily maximum for water body segments classified for recreation and not classified for domestic water supply and not located within five miles upstream from a domestic water intake

Comment: Section 6.1.e) - Why not monitor for chlorine to insure chlorine will not violate water quality?

The permit requires that test water "shall be discharged in a manner to prevent erosion of soil or other materials in to surface water. Examples include splash pads, straw bales, silt fences, and vegetated buffer zones." This condition not only will prevent erosion, but also will provide time for chlorine to dissipate prior to the discharge's reaching a receiving stream. Thus, the permit will not specify monitoring for chlorine. The division may impose monitoring for chlorine in unusual cases.

Comment: Section 7.1.b Measurement Frequency - When the Division request more frequent monitoring, generally this is done via a public notice. I'm concerned about this and will follow-up to see if this is appropriate for a GP.

Response: Increase (or decrease) of monitoring frequency for any parameter would be considered a minor modification of any NPDES permit (including general permits), and would not require a public notice. Measurement frequency described in paragraph b) is related not to all permittees, but only to a specific situation:

"the permittee has been notified in writing by the division that more frequent sampling is required and has been given the reasons for the more frequent sampling requirement"

This approach has been introduced in the EPA's industrial stormwater permit (Multi-Sector General Permit). The final federal MSP can be found at: www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf and it states in section 6.2.5:

"EPA may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements."

This approach was also successfully implemented in the TN multi-sector permit (<http://tn.gov/environment/permits/tmsp.shtml>). In addition, the statute allows for the division to request relevant information from any permittee; collection of additional samples from a permitted outfall certainly would constitute "relevant information."

Comment: Section 11.10.1. Director can require a site to obtain an individual permit. One sentence is confusing in this paragraph:

"This notification will include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file an application, and a statement that coverage under this general permit shall terminate upon the effective date of an individual NPDES permit or denial of coverage under an individual permit." Maybe you meant to say "or letter from the division of denial of coverage under an individual permit" - would this better describe it?

Response: The paragraph in question was edited to read:

"Where the director requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the director shall notify the discharger in writing that an individual permit application is required. This written notification will include

- a brief statement of the reasons for this decision,*
- an application form,*
- a statement setting a deadline for the discharger to file the application, and*
- a statement that coverage under this general permit shall terminate upon the effective date of an individual NPDES permit, or a letter from the division of denial of coverage under an individual permit."*

Comment: Section 15. Definitions - "daily maximum concentration" - Did you really mean to say: "If more than a single grab sample is collected during a calendar day, the daily maximum concentration is the arithmetic mean of the concentrations of equal volume samples collected during the calendar day?" Shouldn't the maximum be the maximum value for that day?

It is unclear how the proposed definition differs from what was in the draft permit. The definition referred to in the above comment appears to relate to the definition of "instantaneous maximum concentration", not the "daily maximum concentration." Nevertheless, and for the sake of maintaining consistency between NPDES permits, a definition from our individual permit template was included in the final permit:

"The "daily maximum concentration" is a limitation on the average concentration, in milligrams per liter (mg/L), of the discharge during any calendar day. If more than a single grab sample is collected during a calendar day, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day."

Comment: Rationale Section 3. - Chlorine, solids, and iron do not appear in the previous GP - they might have been part of a previous one. Why should these not be included with limits or monitoring?

For chlorine monitoring, see comment 6.1.e) above. Same rationale applies for solids. We believe that iron in a discharge of hydrostatic test water is present primarily because of its presence in intake water. The data available to the division show iron present at levels that will not impact a stream adversely in one-time discharges.

Comment: Rationale, Section 4 - Limits - Note that under "Used Petroleum Product Vessels" the state "The divisions BPJ-BAT is the same as that for used natural gas pipeline." These limits are not the same. Also why shouldn't PCBs be monitored or limited in "used petroleum product vessels?" On page 6 it is implied that PCBs limits have been established.

PCBs associated with transport of used natural gas are strictly related to air compressor stations. In other words, we never expect to see any PCBs associated with products conveyed or stored in vessels (gaseous or liquid). Consequently, as air compressors are not used for moving "used petroleum product" (pumps are used for liquid pipelines), there is no need for PCB sampling.

Comment: Rationale, Section 4 - Limits - It is recommended that the rationale explain how BETX was developed (other than noting it was in previous permit - give the actual development of the limit when originally derived).

The daily maximum concentration for BTEX (Benzene, Ethylbenzene, Xylenes and Toluene) were based upon odor threshold values. These odor threshold values were taken from handbook of Environmental Data on Organic Chemicals, Second Edition, by Karel Vershueren (Van Nostrand Reinhold Company, New York, 1982).

Determination

In conclusion, the comments included in this notice of determination document were compiled based on their relevance to the permit content, intent and interpretation of this general permit, rather than implementation of the permit conditions (e.g. penalty evaluations, appropriateness of various enforcement measures, development of TMDLs, etc.). Those questions or comments that became a moot point as a result of the changes made in the final permit were not included in this document.

The division's decision on this matter is to issue a General NPDES Permit for Discharges of Hydrostatic Test Water, Permit No. TNG670000.

DATE: 3/16/2011



Vojin Janjic
Manager, Permit Section