

PAG-10
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR DISCHARGES FROM
HYDROSTATIC TESTING OF TANKS AND PIPELINES
FACT SHEET

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) is proposing to renew the PAG-10 General Permit for discharges from hydrostatic testing of tanks and pipelines. The purpose of this document is to explain the basis for the effluent limitations and terms and conditions of the draft PAG-10 General Permit, in accordance with 25 Pa. Code § 92a.53 (relating to documentation of permit conditions).

DEP published notice of the availability of a draft General Permit in the *Pennsylvania Bulletin* on _____ for a 30-day comment period ending _____. DEP received comments and questions from _____ different individuals and organizations during the comment period and has developed a separate comment-response document.

SCOPE

This PAG-10 General Permit is intended to provide NPDES permit coverage only for the discharge of water used for the hydrostatic testing of existing or proposed tanks or pipelines, regardless of the contents of such tanks or pipelines. The General Permit may not be used to cover other types of discharges.

NOI REQUIREMENTS

A discharger seeking coverage under the PAG-10 General Permit must submit an administratively complete and acceptable NOI at least 60 days prior to commencing any discharge. A discharger authorized to discharge under an individual NPDES permit who is seeking coverage under this General Permit may continue to discharge in accordance with the individual permit while DEP reviews the NOI and associated documents for coverage under this General Permit.

Permittees seeking to renew coverage under this provision may immediately continue to discharge under this permit upon the submission of a timely and complete NOI. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.54(c)(1) and 40 CFR § 122.41(b))

The NOI fee for coverage under this General Permit is \$500 per year the permittee operates under the General Permit. An initial \$500 is paid with the NOI for General Permit coverage, and then an installment of \$500 is paid each year, if hydrostatic test discharges have not been terminated by the annual report due date.

DISCHARGES NOT AUTHORIZED BY THIS GENERAL PERMIT

The following discharges are not authorized under the PAG-10 General Permit, and DEP may deny coverage under the General Permit when one or more of the following conditions exist:

1. A discharge(s), individually or in combination with other similar discharges, is or has the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which is more appropriately controlled under an individual permit. (25 Pa. Code § 92a.54(e)(1))
2. A discharge(s) that is not, or will not be, in compliance with any one or more of the conditions of the General Permit. (25 Pa. Code § 92a.54(e)(2))
3. A discharge(s) proposed by a person responsible for other activities regulated by DEP who has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by DEP. (25 Pa. Code § 92a.54(e)(3))
4. A discharge(s) that contains pollutants for which a change has occurred in the availability of demonstrated technology or practices for the control or abatement of the pollutants. (25 Pa. Code § 92a.54(e)(4))

5. A discharge(s) for which categorical point source effluent limitations are promulgated by the U.S. Environmental Protection Agency (EPA). (25 Pa. Code § 92a.54(e)(5))
6. A discharge(s) that is not, or will not, result in compliance with an applicable effluent limitation or water quality standard. (25 Pa. Code § 92a.54(e)(6))
7. A discharge(s) from a facility for which an individual permit is required for other point source discharges, and issuance of both an individual permit and authorization for coverage under a General Permit for the facility would constitute an undue administrative burden on DEP. (25 Pa. Code § 92a.54(e)(7))
8. A discharge(s) that DEP determines requires an individual NPDES permit to ensure compliance with the Federal Clean Water Act, the Pennsylvania Clean Streams Law or DEP regulations. (25 Pa. Code § 92a.54(e)(8))
9. A discharge(s) to a surface water classified as a High Quality (HQ) or an Exceptional Value (EV) water under 25 Pa. Code Chapter 93 (relating to Water Quality Standards). (25 Pa. Code § 92a.54(e)(9))
10. A discharge(s) containing toxic or hazardous pollutants as defined in sections 307 and 311 of the Clean Water Act (33 U.S.C. §§ 1317 and 1321), or any other substance which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters. (25 Pa. Code § 92a.54(a)(5))
11. A discharge(s) that individually or cumulatively has the potential to cause or contribute to a violation of an applicable water quality standard established under 25 Pa. Code Chapter 93 (relating to water quality standards) or cause significant adverse environmental impact. (25 Pa. Code § 92a.54(a)(7))
12. A discharge(s) would adversely affect a listed endangered or threatened species or its critical habitat. (25 Pa. Code § 92a.12(c))
13. A discharge(s) from a facility covered by an individual permit when coverage under this General Permit would result in less stringent effluent limitations or terms and conditions. (25 Pa. Code § 92a.44 and 40 CFR § 122.44(l)).
14. A discharge(s) that would be commingled with other wastewater or stormwater, or would include pollutants introduced by the permittee or its agents. (25 Pa. Code § 92a.54(a)(2))
15. A discharge(s) to a receiving water with an approved Total Maximum Daily Load (TMDL) for a parameter contained in the discharge, unless DEP has determined that the discharge will be consistent with the assumptions and conditions of the TMDL. (25 Pa. Code § 92a.54(a)(7))

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

No modifications to the effluent limits in the existing PAG-10 General Permit are proposed for the draft General Permit. The existing PAG-10 General Permit contains effluent limitations and monitoring requirements for two types of facilities – new tanks and pipelines and existing tanks and pipelines. This distinction will remain in the draft General Permit.

In addition, the General Permit requires monitoring for any additional parameters requested by the DEP office approving coverage under the General Permit. The results of such additional monitoring must be attached to an annual report due by March 1 of each year. This will provide DEP with flexibility in determining parameters of concern, if any, on a site-specific basis, and collecting data for those parameters. The rationale is that DEP may require an individual permit where it discovers that the permittee is discharging levels of pollutants that may cause an excursion above water quality standards, whether or not there are limitations in the permit.

ADDITIONAL REQUIREMENTS

The additional requirement in Part A following the effluent limitation tables is a synthesis of narrative requirements in DEP regulations, Chapters 92a (relating to NPDES permitting, monitoring and compliance), 93 (relating to Water Quality Standards) and 95 (relating to wastewater treatment requirements), which are applicable to all discharges. This condition is also used in DEP's individual NPDES permits:

The permittee may not discharge:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa Code § 92a.41(c))
2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in this permit). (25 Pa. Code § 92a.47(a)(7) and § 95.2(2))
3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa Code § 93.6(a))
4. Foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water. (25 Pa Code § 92a.41(c))

PART A, SELF-MONITORING, REPORTING AND RECORDKEEPING

In general, these requirements are used in DEP's individual NPDES permits, and identify the following key elements of monitoring, reporting and recordkeeping under the General Permit that are generally required by state and federal regulations:

- Representative sampling requirements, records retention requirements, recording of results, analytical test procedures, and quality assurance and control.
- Reporting of monitoring results, including the requirement to submit monthly Discharge Monitoring Reports (DMRs), the method for submitting DMRs and requirements for authorized signature of DMRs. Reporting electronically through DEP's eDMR system is optional.
- Other reporting requirements, including planned changes to physical facilities, planned changes to the influent waste stream, unanticipated non-compliance or potential pollution reporting and other non-compliance.

In addition, the General Permit will require the submission of an annual report by March 1. The use of an annual report template (3800-PM-BCW0173f) is required. The annual report will not serve as an annual NOI as has been done in prior versions of the PAG-10 General Permit. An NOI will be required every five years to renew coverage under a reissued General Permit.

PART B, STANDARD CONDITIONS

In general, these requirements are used in DEP's individual NPDES permits, and identify other responsibilities of permittees that are covered under the General Permit, including:

- Achieving compliance with compliance schedules of the General Permit.
- Procedures for permit modification, termination or revocation and reissuance.
- Duties to provide information to DEP.
- Proper operation and maintenance.
- Duties to mitigate to prevent discharges, sludge use or disposal.
- Penalties and liabilities for violating permit conditions or limitations, or falsifying information.
- Provisions to provide entry to DEP and EPA to the facility, have access to records, and inspect and monitor facility operations at reasonable times.
- Procedures for transferring coverage under the General Permit.

- Clarification that property rights are not conveyed by coverage under the General Permit.
- Duty to reapply.
- Use of DEP's NPDES Notice of Termination (NOT) for Permits Issued Under Chapter 92a form ([3800-PM-BCW0410](#)) is required to terminate permit coverage.

It is noted that procedures relating to bypassing treatment facilities have been removed from the draft PAG-10 General Permit because these procedures generally are not applicable (i.e., there generally are no treatment facilities for these discharges).

PART C, SPECIAL CONDITIONS

DEP proposes to retain the Part C Special Conditions in the current PAG-10 for the reissued General Permit, with the following modifications:

- DEP proposes to clarify that the 15-Day Notification Form may only be used for pipelines as reported in an NOI. In other words, if a discharge is proposed for hydrostatic testing of a pipeline in which the pipeline was not presented to DEP on a map, the permittee must amend its coverage, and may not use the 15-Day Notification Form for that discharge.
- For discharges from pipelines, DEP is proposing to allow BMPs to reduce erosion that differ from the standard BMPs in the General Permit (i.e., circular hay bale containment area), when submitted in an NOI and approved by DEP.
- DEP is proposing to clarify that only existing tanks and pipelines will be required to be cleaned before hydrostatic testing.