



**GENERAL NPDES PERMIT**  
**FOR DISCHARGES OF**  
**HYDROSTATIC TEST WATER**

**PERMIT NO. TNG670000**

Under authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.) and the authorization by the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 ([33 U.S.C. 1251](#), et seq.) and the [Water Quality Act of 1987, P.L. 100-4](#), operators of hydrostatic test facilities are authorized to discharge hydrostatic test water in accordance with the following permit monitoring and reporting requirements, effluent limitations, and other provisions as set forth in parts 1 through 16 herein, from the subject outfalls to waters of the State of Tennessee.

This permit is issued on: **May 4, 2016**  
This permit is effective on: **May 5, 2016**  
This permit expires on: **April 30, 2021**

A handwritten signature in blue ink, appearing to read "T. Calabrese-Benton".

for Tisha Calabrese-Benton  
Director

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**Discharges of Hydrostatic Test Water**

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## **1. COVERAGE UNDER THIS GENERAL PERMIT**

### **1.1. Permit Area**

This hydrostatic test water permit covers all areas of the State of Tennessee.

### **1.2. Discharges Covered by this Permit**

This general permit covers all areas of the State of Tennessee and serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five years.

This general permit addresses any new or existing point source discharges of hydrostatic test water to waters of the State of Tennessee.

#### **1.2.1. Discharges from new, unused vessels**

This permit authorizes discharges from new, unused vessels including, but not limited to, boilers, pipes, lines and storage containers.

#### **1.2.2. Discharges from used vessels**

This permit authorizes discharges from vessels including, but not limited to, pipes, lines, and storage containers, which have been used for the transportation or storage of natural gas, crude oil, or liquid or gaseous petroleum hydrocarbons.

### **1.3. Limitations on Coverage**

This general permit does not apply to discharges that the director of Water Resources (director) determines are contributing to a violation of a water quality standard or to any person who discharges in violation of the Water Quality Control Act or the regulations promulgated there under. In addition, this permit shall not apply to discharges to a receiving stream that will result in an increased loading of a pollutant that is given as a cause of degradation to the receiving stream. The following discharges are not authorized by this permit:

- a) Discharges of Cleaning Water and Pipe Residual – Liquid and solid materials cleaned out of used pipe and water used to clean out used pipe are not authorized to be discharged under this permit.
- b) Storm Water Discharges – Storm water discharges associated with construction or industrial activity are not authorized under this permit.
- c) Discharges Covered by Another Permit – Discharges associated with hydrostatic testing that have been issued an individual permit.
- d) Discharges Threatening Water Quality – Discharges from hydrostatic testing sites, that the director determines will cause, have the reasonable potential to cause, or contribute to violations of water quality standards. Where such determination has been made, the discharger will be notified by the director in writing that an individual permit application is necessary per subpart 11.10 below. However, the division may authorize coverage under this permit after appropriate controls and implementation procedures have been designed to bring the discharge into compliance with water quality standards.

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- e) Discharges into Impaired Streams – This permit does not authorize discharges that would add loadings of a pollutant that is identified as causing or contributing to the impairment of a water body on the list of impaired waters. Impaired waters means any segment of surface waters that has been identified by the division as failing to support its designated classified uses.
- f) Discharges into Outstanding National Resource Waters – The director shall not grant coverage under this permit for discharges into waters that are designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRWs) Designation of ONRWs are made according to TDEC Rules, [Chapter 0400-40-3-.06](#).
- g) Discharges into Exceptional Quality Waters – The director shall not grant coverage under this permit for potential discharges of pollutants which would cause degradation to waters designated by TDEC as exceptional quality waters. Identification of high quality waters is made according to TDEC Rules, [Chapter 0400-40-3-.06](#).
- h) Discharges Not Protective of Federal or State listed Threatened and Endangered Species, Species Deemed in Need of Management or Special Concern Species – Hydrostatic test water discharges and hydrostatic testing activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna or flora (or species proposed for such protection) in the receiving stream(s); or discharges or activities that would result in a “take” of a state or federal listed endangered or threatened aquatic or wildlife species deemed in need of management or special concern species, or such species’ habitat. If the division finds that hydrostatic test water discharges or hydrostatic testing activities are likely to result in any of the above effects, the director will deny the coverage under this general permit unless and until project plans are changed to adequately protect the species.
- i) Discharges Negatively Affecting a Property on the National Historic Register – Hydrostatic test water discharges that would negatively affect a property that is listed or is eligible for listing in the [National Historic Register](#) maintained by the Secretary of Interior.
- j) Discharges Containing Benzene – This general permit shall not apply to discharges that are likely to cause a concentration of benzene greater than 5 micrograms per liter at any downstream domestic water intake.
- k) Discharging into Receiving Waters With an Approved Total Maximum Daily Load Analysis - Discharges of pollutants of concern to waters for which there is an EPA-approved total maximum daily load (TMDL) are not covered by this permit unless measures or controls that are consistent with the assumptions and requirements of such [TMDL](#) are established for the facility. If a specific wasteload allocation has been established that would apply to the discharge steps necessary to meet that allocation must be implemented. If the EPA-approved or established [TMDL](#) specifically precludes such discharges, the operator is not eligible for coverage under this permit.

General permits may be issued, modified, revoked, reissued or terminated in accordance with the applicable requirements of T.C.A. § 69-3-108.

## **2. AUTHORIZATION TO DISCHARGE UNDER THIS GENERAL PERMIT**

Except as provided in subpart 1.3 above, if the Notice of Intent (NOI) is submitted as set forth in part 4 below, a facility is permitted to discharge hydrostatic test water to waters of the State of Tennessee in accordance with the terms of this general permit and of T.C.A. § 69-3-

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108(b). Any such discharges not permitted under this general permit or by an individual permit are unlawful under T.C.A. § 69-3-108(b).

In order to obtain authorization to discharge under this permit, a facility must submit an NOI pursuant to part 4 below. The division may grant or deny coverage under this permit or require an application for an individual permit. Upon notice from the Division of Water Resources (the division) to the applicant, the applicant is covered under this general permit.

### **3. REQUESTING TERMINATION OF COVERAGE**

A permittee shall request termination of coverage under this general permit when discharges of hydrostatic test water to waters of the State of Tennessee have ceased.

If discharges have ceased but coverage under this general permit is still in effect because the discharger has not requested termination of permit coverage, the discharger will continue to be responsible for annual permit maintenance fees billed according to the department's rule 0400-40-11.

### **4. NOTICE OF INTENT (NOI) REQUIREMENTS**

#### **4.1. Format**

An NOI shall be on the form provided in Appendix A of this general permit, or on a photocopy thereof.

#### **4.2. Deadlines**

##### **4.2.1. New facility**

For a new facility, an NOI should be submitted 30 days before any discharges of hydrostatic test water.

##### **4.2.2. Existing facility**

For an existing and presently permitted facility, an NOI should be submitted 30 days before the permit coverage expires or in the case of a transfer of ownership, 30 days before the transfer.

The director may, upon good cause shown in writing by the applicant, reduce the 30-day time period required in sections 4.2.1 and 4.2.2 above.

#### **4.3. Who must sign the NOI?**

The NOI must be signed according to signatory requirements of section 11.9.1 of this general permit.

#### **4.4. Content of the NOI**

The following information must be included in an NOI:

- a) name of the owner or operator of the vessel or activity, mailing address, the name and address of a contact person;
- b) brief description of the vessel to be tested;

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- c) estimate of the volume of hydrostatic test water to be discharged;
- d) source of the test water;
- e) description of material that has been contained in the vessel, if the vessel has already been in use;
- f) facility location map which identifies and highlights the location of the vessel to be tested and the waters receiving the discharge; the facility map must show boundaries which extend at least a one mile radius beyond the facility property;
- g) name of the waters receiving the discharge;
- h) estimated dates of testing, frequency of tests and duration;
- i) brief description of Best Management Practices (BMPs) employed and/or treatment of the hydrostatic test water discharges;
- j) if the permittee desires that permit coverage be granted for more than one year, a written request for a term greater than one year, which shall not extend past the expiration date of the general permit;
- k) for used natural gas pipelines, if the pipeline is free of Polychlorinated Biphenyls (PCBs), a statement that the pipeline is free of PCBs; and
- l) any additional information the division may require.

**4.5. Where to Submit the NOI and Permitting Fee?**

A signed NOI and a copy shall be submitted to the Water Resources Environmental Field Office (EFO) responsible for the county where the discharge is located, as shown in subpart 4.6 below.

**4.6. List of the TDEC Environmental Field Offices (EFOs) and Corresponding Counties**

EFO Name	Address	List of Counties
Chattanooga	1301 Riverfront Parkway, Suite #206 Chattanooga, TN 37402 (423) 634-5745	Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie
Columbia	1421 Hampshire Pike Columbia, TN 38401 (931) 380-3371	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
Cookeville	1221 South Willow Ave Cookeville, TN 38506 (931) 432-4015	Cannon, Clay, DeKalb, Fentress, Grundy, Jackson, Macon, Overton, Pickett, Putnam, Smith, Trousdale, Van Buren, Warren, White
Jackson	1625 Hollywood Dr Jackson, TN 38305 (731) 512-1300	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakly

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EFO Name	Address	List of Counties
Johnson City	2305 Silverdale Rd Johnson City, TN 37601 (423) 854-5400	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington Counties
Knoxville	3711 Middlebrook Pike Knoxville, TN 37921 (865) 594-6035	Anderson, Blount, Campbell, Claiborne, Cocke, Cumberland, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
Memphis	8383 Wolf Lake Drive Bartlett, TN 38133 (901) 371-3000	Fayette, Shelby, Tipton
Nashville	711 R.S. Gass Boulevard Nashville, TN 37206 (615) 681-7000	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Williamson, Wilson

TDEC may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC). Local EFOs may be reached directly when calling this number from the site, using a land line.

## **5. ADMINISTRATIVE PROCEDURES FOR NOTIFYING FACILITIES OF COVERAGE**

The division will review NOIs for completeness and accuracy. Except as provided in subpart 1.3 above, a complete and accurate NOI shall be processed as described below.

The division will transmit to the permittee notice of coverage (NOC) under this permit and provide the permittee with a copy of this general permit and a Discharge Monitoring Report (DMR) form. Hydrostatic testing activities are not authorized until the division prepares and transmits to the permittee an NOC.

The division shall specify in the NOC the effective date of coverage under the permit. The term of coverage shall not end later than the expiration date of this general permit and shall begin no sooner than the date the NOI is received and the date of issuance of the NOC.

Unless the applicant requests a longer term of coverage under the permit, per subpart 4.4. j) above and the division approves such request, coverage under the permit will be for one year.

## **6. EFFLUENT LIMITATIONS**

### **6.1. Discharge Limits**

- a) Discharges covered by this permit shall be monitored for the following parameters and are subject to the following effluent limitations:



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Vessel Type	Parameter	Limit
New	Visible Oil	No distinctly visible floating oil contained on or in the wastewater discharge
Used natural gas	Visible Oil	No distinctly visible floating oil contained on or in the wastewater discharge
	Oil and Grease	15 mg/l as a daily maximum concentration
	pH	6.0 standard units as an instantaneous minimum
		9.0 standard units as an instantaneous maximum
	PCBs*	0.00064 µg/l as a daily maximum
Used petroleum product	Visible Oil	No distinctly visible floating oil contained on or in the wastewater discharge
	Oil and Grease	15 mg/l as a daily maximum concentration
	pH	6.0 standard units as an instantaneous minimum
		9.0 standard units as an instantaneous maximum
	BETX (total)	0.20 mg/l as a daily maximum
	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

\* If the discharger has certified in the NOI that compressors or other equipment that contained PCBs were never used on the pipeline and that the presence of PCBs in the pipeline has not been indicated, this limit does not apply.

- b) The construction, transportation and storage of the vessels to be tested shall be done in such a way that prevents debris and materials from being deposited within the vessel where it may later be washed out by hydrostatic test water and released to surface or subsurface water.
- c) The discharger shall use proper engineering practices and Best Management Practices (BMPs) to prevent contamination of hydrostatic test water by fuels, lubricants or waste materials. An example of such a BMP is use of pigging devices to force out liquid and solid materials from the pipe prior to filling the pipe with test water.
- d) Hydrostatic test water shall be discharged in a manner to prevent erosion of soil or other materials into surface or subsurface water. BMPs preventing erosion include, but are not limited to splash pads, straw bales, silt fences, and vegetated buffer zones.
- e) Hydrostatic test water shall be discharged in a manner so that chlorine will be dissipated prior to the discharge entering waters of the state.
- f) There shall be no distinctly visible floating scum, oil or other matter contained on or in the wastewater discharge.
- g) The wastewater discharge must result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

- h) If the hydrostatic test water is discharged through an oil/water separator or other wastewater treatment process or device, the hydraulic and contaminant loading shall not exceed the capacity of the oil/water separator or other process or device.
- i) Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, T.C.A. § 68-211-101 et seq. and the Tennessee Hazardous Waste Management Act, § T.C.A. 68-212-101 et seq.
- j) The wastewater discharge must not cause an objectionable color contrast in the receiving stream.

## **7. MONITORING REQUIREMENTS**

### **7.1. Measurement Frequency**

The measurement frequency for monitoring the parameters identified in subpart 6.1 a) above shall be once per discharge, unless the following conditions exist:

- a) the permittee is conducting a routine operation where identical or substantially similar vessels are tested at one location on a set schedule, in which case the permittee may monitor one discharge per month; and
- b) 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.

### **7.2. Discharge Volume**

The volume of water discharged shall be estimated.

### **7.3. Sampling**

- a) Sample types shall be as follows:

Volume of discharge	Estimate
Visible Oil	Visual Observation
Oil and Grease	Grab
Total BETX	Grab
PCBs	Grab
pH	Grab

- b) Samples shall be taken in the first 60 minutes of discharge, or as soon afterwards as practicable.
- c) The division may require the discharger to sample for additional parameters.

## **8. MONITORING PROCEDURES**

### **8.1. Representative sampling**

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of discharges of hydrostatic test water. The samples and measurements shall be taken after treatment/mitigation of the hydrostatic test water and prior to mixing with any other waters and prior to discharge to the receiving stream.

### **8.2. Test procedures**

Test procedures for the analysis of parameters shall conform to regulations published pursuant to Section 304(h) of the Clean Water Act, as amended.

Unless otherwise noted in the general permit, all parameters shall be determined according to methods prescribed in 40 CFR Part 136.

### **8.3. Recording of results**

For each measurement or sample taken pursuant to the requirements of this general permit, the discharger shall record the following information:

- a) the place, date, and time of sampling;
- b) the person(s) collecting samples;
- c) the dates and times the analyses were performed;
- d) the person(s) or laboratory who performed the analyses;
- e) the analytical techniques or methods used; and
- f) the results of all required analyses.

## **9. RETENTION AND SUBMISSION OF RECORDS**

### **9.1. Records retention**

All records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three years, or longer if requested by the division.

### **9.2. Electronic Submission of NOIs, NOTs and Reports**

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the world wide web) of electronic forms or other report options that become available at a later date (e.g., electronic submission of forms), the operators may take

advantage of those options to satisfy the NOI, NOT and other report notification requirements.

## **10. REPORTING**

### **10.1. Monitoring results**

- a) In the case of one-time discharges, monitoring results shall be recorded once and submitted once on Discharge Monitoring Report (DMR) forms and shall be postmarked no later than 30 days after the date samples are collected.
- b) For all other monitoring frequencies as described in subpart 7.1 above, monitoring results shall be recorded monthly and submitted monthly. Submittals shall be postmarked no later than 15 days after the end of the month. The first DMR is due 15 days after the first complete month in the effective term of the permit.
- c) Permittees shall use DMR forms approved by the division. A signed report form and a copy must be submitted to the division. A copy should be retained for the permittee's files. DMRs and any communication regarding compliance with the conditions of this general permit must be sent to:

Division of Water Resources  
Attention: Compliance Review  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Ave, 11th Floor  
Nashville, Tennessee 37243

Another copy of the completed and signed DMR shall be submitted to the Division of Water Resources Environmental Field Office (EFO) responsible for the county where the discharge is located, as shown in subpart 4.6.

- d) DMRs must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his duly authorized representative, as defined and set forth in section 11.9.2 below. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

### **10.2. Additional monitoring by permittee**

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR form. Such increased frequency shall also be indicated.

### **10.3. Falsifying reports**

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 69-3-115 of the Tennessee Water Quality Control Act and in Section 309 of the Federal Water Pollution Control Act.

## **11. STANDARD PERMIT CONDITIONS**

### **11.1. Continuation of the Expired General Permit**

Permittees shall maintain coverage under this general permit until a new general permit is issued. Permittees who are covered under this permit and who choose, or are required, to obtain an individual permit must submit an application (Forms 1 and 2E and any other applicable forms) 180 days prior to expiration of their permit coverage. Permittees who are eligible and choose to be covered by a new general permit must submit an NOI by the date specified in that permit.

### **11.2. Right of entry**

The permittee shall allow the director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

- a) to enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this general permit, and at reasonable times to copy these records;
- b) to inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this general permit; and
- c) to sample at reasonable times any discharge of pollutants.

### **11.3. Availability of reports**

Except for data determined to be confidential under T.C.A. 69-3-113 of the Tennessee Water Quality Control Act, all reports submitted in accordance with the terms of this general permit shall be available for public inspection at the offices of the Division of Water Resources. As required by the Federal Act, operational data shall not be considered confidential.

### **11.4. Proper operation and maintenance**

The permittee shall at all times properly operate and maintain all vessels and systems (and related equipment) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this general permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the general permit.

### **11.5. Duty to mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**11.6. Property rights**

This general permit does not convey any property rights in either real or personal property, 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, or local laws or regulations.

**11.7. Severability**

The provisions of this general permit are severable. If any provision of this general permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this general permit shall not be affected thereby.

**11.8. Other information**

If the permittee becomes aware that he failed to submit any relevant facts in a Notice of Intent, or submitted incorrect information in an NOI or in any report to the director, then he shall promptly submit such facts or information.

**11.9. Signatory requirements**

**11.9.1. Notice of Intent**

AN NOI shall be signed as follows:

- a) For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible 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.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR Part 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR Part 122.22(a)(1)(ii) rather than to specific individuals.

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- b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
- c) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
  - (i) The chief executive officer of the agency, or
  - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

11.9.2. Reports

All reports required by this general permit or information submitted to the director shall be signed by a person designated in section 11.9.1 above or by a duly authorized representative of that person.

11.9.3. Duly authorized representative

For a purpose of satisfying signatory requirements for reports (see section 11.9.2 above), a person is a duly authorized representative only if:

- a) the authorization is made in writing by a person described in section 11.9.2 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 an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
- c) the written authorization is submitted to the director.

11.9.4. Changes in Written Authorization

If an authorization under section 11.9.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of section 11.9.3 above must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

11.9.5. Certification

Any person signing a document under section 11.9.1 above 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.”

## **11.10. Requiring an Individual Permit**

### **11.10.1. Director can require a site to obtain an individual permit**

The director may require any person authorized by this permit to apply for and/or obtain an individual NPDES permit in order to obtain adequate protection of designated uses of a receiving stream. Any interested person may petition the director in writing to take action under this paragraph, but must include in their petition the justification for such an action. 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.

The notification may require testing activities to discontinue and suspend coverage under this general permit until the individual permit is issued. Applications shall be submitted to the appropriate Environmental Field Office of the division as indicated in subpart 4.6 above of this permit. The director may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the director under this paragraph, then the applicability of this permit to the discharger will be terminated at the end of the day specified by the director for application submittal.

If the decision to require an individual NPDES permit precedes the issuance of coverage under this general permit, hydrostatic testing activities cannot begin until the individual permit is issued.

### **11.10.2. Permittee may request individual permit instead of coverage under this general permit**

Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the appropriate division's Environmental Field Office. The request may be granted by issuance of an individual permit, or alternative general permit, if the reasons cited by the permittee are adequate to support the request.



11.10.3. Individual permit terminates general permit

When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the discharger is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is terminated on the date of such denial, unless otherwise specified by the director.

**12. CHANGES AFFECTING COVERAGE UNDER THIS GENERAL PERMIT**

**12.1. Planned changes**

The permittee shall give notice to the director as soon as possible of planned physical alterations or additions to the permitted facility. Notice is required only when:

- a) the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b) the alteration or addition could change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the general permit, nor to notification requirements under 40 CFR 122.42(a)(1); or
- c) an alteration in the amount or frequency of the discharge.

**12.2. Change of ownership**

If a facility and/or vessel is sold or transferred to a new owner or operator, the new owner or operator shall submit a new NOI in accordance with section 4.2.2 above.

**12.3. Change of mailing address**

The permittee shall promptly provide to the director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

**13. NONCOMPLIANCE**

**13.1. Effect of noncompliance**

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, for termination of coverage under the permit, for the director to require an individual permit, or denial of permit reissuance.

## **13.2. Reporting of noncompliance**

### **13.2.1. 24-Hour reporting**

In the case of any noncompliance which would cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the permittee shall notify the division of the noncompliance by contacting the appropriate division environmental field office immediately, but in no case more than 24 hours from the time the permittee becomes aware of the circumstances. The local Environmental Field Office can be contacted at 1-888-891-TDEC. The Tennessee Emergency Management Agency may be reached at the following phone numbers: (800) 262-3400 (In-State); and (800) 258-3300 (Out-of-State).

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the director on a case-by-case basis. The permittee shall provide the director with the following information:

- a) a description of the discharge and cause of noncompliance;
- b) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c) the steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

### **13.2.2. Scheduled reporting**

For instances of noncompliance which are not reported under section 13.2.1 above, the permittee shall report the noncompliance on the Discharge Monitoring Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

## **13.3. Bypassing**

"Bypass" is defined as the intentional diversion of waste streams from any portion of a treatment facility. "Severe property damage" when used to consider the allowance of a bypass or SSO 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 or SSO. Severe property damage does not mean economic loss caused by delays in production.

Bypass, as defined by 0400-40-5-.02(13), is prohibited unless:

- a) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
- b) There are 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 backup 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 preventative maintenance; and

- c) For anticipated bypass, the permittee submits prior notice, to the division, if possible at least ten days before the date of the bypass; or
- d) For unanticipated bypass, the permittee submits notice to the division of an unanticipated bypass within 24 hours from the time that the permittee becomes aware of the bypass.

A bypass that does not cause effluent limitations to be exceeded may be allowed only if the bypass is necessary for essential maintenance to assure efficient operation.

#### **13.4. Upset**

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a) an upset occurred and that the permittee can identify the cause(s) of the upset;
- b) the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- c) the permittee submitted information required under "Reporting of noncompliance" within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and
- d) the permittee complied with any remedial measures required under "Adverse impact," per subpart 13.5 below.

#### **13.5. Adverse impact**

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this general permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## 14. LIABILITIES

### 14.1. Civil and criminal liability

Except as provided in this general permit, nothing in this general permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this general permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this general permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

### 14.2. Liability under State law

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

## 15. DEFINITIONS

“**BETX**” is an abbreviation for the chemicals benzene, ethylbenzene, toluene and xylene, and the concentration of total BETX means the sum of the concentrations of benzene, ethylbenzene, toluene and xylene.

A “**calendar day**” is defined as the 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight to midnight time period.

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.

“**Division**” means the Division of Water Resources of the State of Tennessee, Department of Environment and Conservation.

For the purpose of this general permit, “**facility**” means the vessel that undergoes a hydrostatic test and from which hydrostatic test water is subsequently discharged. These facilities include, but are not limited to, pipelines, flowlines, boilers and storage tanks.

“**Exceptional Tennessee waters**” are surface waters of the State of Tennessee that satisfy characteristics of exceptional Tennessee waters as listed [Chapter 0400-40-3-.06](#) of the official compilation - Rules and Regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards.

**"Hydrostatic test water"** means water placed in a vessel, and often raised to greater than atmospheric pressure, in order to check for leaks and/or the structural integrity of the vessel.

**"Impaired waters"** (waters with unavailable parameters) means any segment of surface waters that has been identified by the division as failing to support classified uses. For the purpose of this permit, pollutants of concern include, but are not limited to: siltation (silt/sediment) and habitat alterations. Based on the most recent assessment information available to staff, the division will notify applicants and permittees if their discharge is into, or is affecting, impaired waters. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated GIS coverages (<http://tnmap.tn.gov/wpc/>), and the results of recent field surveys. GIS coverages of the streams and lakes not meeting water quality standards, plus the biennial list of impaired waters, can be found at <http://tn.gov/environment/wpc>.

**"New"** vessels refer to those vessels which have not been put into service and have not been used for transportation or storage of raw materials, products or other chemicals in bulk.

**"PCBs"** is an abbreviation for Polychlorinated Biphenyls and means Aroclor 1016, 1221, 1232, 1242, 1248, 1254, 1260.

**"Point source"** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non point-source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands or return flows from irrigated agriculture or agricultural storm water runoff.

**"Take"** of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

**"Total maximum daily load"** (TMDL) The sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background ([40 CFR 130.2\(I\)](#)). TMDL is a study that: quantifies the amount of a pollutant in a stream, identifies the sources of the pollutant, and recommends regulatory or other actions that may need to be taken in order for the stream to cease being polluted. Some of the actions that might be taken are:

- 1.) Re-allocation of limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to ensure that water quality standards will be met.
- 2.) For sources over which the division does not have regulatory authority, such as ordinary agricultural or forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices (BMPs).

Even for impacted streams, TMDL development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated

Tennessee General Permit No. TNG670000  
Discharges of Hydrostatic Test Water

activities, the TMDL is considered not applicable. In cases involving pollution sources in other states, the recommendation may be that another state or EPA perform the TMDL . TMDLs can also be described by the following equation:

$$\text{TMDL} = \text{sum of non point sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

A list of completed TMDLs that have been approved by EPA can be found at our web site:  
<http://tn.gov/environment/wpc/tmdl/approved.shtml>

“**Waters**” or “**waters of the state**” means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

## 16. LIST OF ACRONYMS

BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EFO	Environmental Field Office
EPA	(U.S.) Environmental Protection Agency
NOC	Notice of Coverage
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
ONRW	Outstanding National Resource Waters
TCA	Tennessee Code Annotated
TDEC	Tennessee Department of Environment and Conservation
TMDL	Total Maximum Daily Load
TMSP	Tennessee Multi-Sector General Permit for the Discharge of Storm Water from an Industrial Activity

(End of body of permit; appendices follow.)

## **APPENDIX A**

**Notice of Intent (Next Page)**

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION****Division of Water Resources**

William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave., 11th Floor, Nashville, TN 37243

1-888-891-8332 (TDEC)

**NOTICE OF INTENT (NOI) for discharges of HYDROSTATIC TEST WATER**

Site Name:		Existing Tracking No:	
Street Address or Location:		Latitude:	
		Longitude:	
County (ies):	Attach a site location map	<input type="checkbox"/> Map attached	
Name and distance to nearest receiving waters:			

Owner or Operator: (the person or legal entity which controls the site's operation; this may or may not be the same as the site name or the official contact name)				
<b>1</b>	Official Contact Person Name: (individual responsible for a site)		Title or Position:	
	Mailing Address:		City:	State: Zip:
	Phone: ( )		E-mail:	
<b>2</b>	Local Contact Person Name: (if appropriate, write "same as #1")		Title or Position:	
	Site Address: (this may or may not be the same as street address)		Site City:	State: TN Zip:
	Phone: ( )		E-mail:	
Write in the box (to the right) or circle the number (above) to indicate where to send correspondence: <input type="text"/>				

**PROCESS DESCRIPTION (Reply on a separate page, if necessary)**

A brief description of the facility or vessel to be tested:
Is the vessel to be tested new or used? <input type="checkbox"/> new <input type="checkbox"/> used
Estimate of the volume of hydrostatic test water to be discharged.
Source of the test water.
A description of material that has been contained in the vessel, if the vessel has already been in use.
Estimated dates of testing, frequency of tests, and duration.
A brief description of Best Management Practices (BMPs) and/or treatment of the hydrostatic test water discharges.
Indicate how long you wish to be covered under this general permit; the division will establish a 12 month term of coverage unless you request a longer time. Please note that coverage under this permit cannot extend beyond the expiration date of the general permit <input type="checkbox"/> 2 years <input type="checkbox"/> 3 years <input type="checkbox"/> 4 years <input type="checkbox"/> 5 years

**STATE USE ONLY**

Received Date	Reviewer	EFO	Tracking No. <b>TNG67</b>	Exceptional TN Water
Fee(s)	T & E Aquatic Fauna	Unavailable Parameters		NOC Date



**NOTICE OF INTENT (NOI) for discharges of HYDROSTATIC TEST WATER**  
(continued from previous page)

Site Name:	Tracking No:
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For used sections of natural gas pipeline, permit TNG670000 establishes a limit on the concentration of PCBs in the hydrostatic test water discharge unless the discharger certifies that PCBs have never been used on the pipeline or their presence indicated in the pipeline, as follows: *Polychlorinated Biphenyls (PCBs) have never been used in compressors or other equipment on the pipeline of which the above-described section is a part, nor has the presence of PCBs been indicated in the pipeline of which the above-described section is a part.*

Printed Name	Official Title	Signature	Date
<p>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. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury..</p>			
Printed Name	Official Title	Signature	Date

**INSTRUCTIONS**

**Complete the form** Type or print clearly. Answer each item or enter "N/A," for not applicable. If you need additional space, attach a separate piece of paper. **Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's ability to be in compliance with permit terms and conditions.** This permit is required for discharges of hydrostatic test water. This form should be submitted at least 30 days prior to the commencement of hydrostatic testing activities.

**Permittee Identification/Facility Identification** Describe and locate the project, use the legal or official name of the facility or site. Provide the latitude and longitude (expressed in decimal degrees) of the center of the site, which can be located on USGS quadrangle maps. Attach a copy of a portion of a 7.5 minute quad map (or equivalent), showing location of site, with boundaries at least one mile outside the site boundaries.

**Give the name(s) of receiving waters** Trace the route of hydrostatic test water runoff from the site and determine the name of the river(s), stream(s), creek(s), wetland(s), lake(s) or any other water course(s) into which the hydrostatic test water drains. Note that the receiving water course may or may not be located on the site. If the first water body receiving test water discharge is unnamed ("unnamed tributary"), determine the name of the water body which the unnamed tributary enters.

**Submitting the form and obtaining more information** Note that this form must be signed by the company President, Vice-President, or a ranking elected official in the case of a municipality, for details see subpart 11.9 of the general permit. For more information, contact your local EFO, toll-free, at 1-888-891-8332 (TDEC). Submit the original completed and signed form to the division address on page 1 or a scanned PDF copy to [Water.Permits@tn.gov](mailto:Water.Permits@tn.gov)

**Notice of Coverage** The division will review the NOI for completeness and accuracy and transmit to the permittee a Notice of Coverage (NOC) and Discharge Monitoring Report (DMR) form.