

# **TCEQ Water Quality Advisory Work Group (WQAWG)**

## **Stakeholder Meeting**

**October 25, 2022 @ 1:30 p.m.**

**Building E, Room 201S**

### **Final Meeting Summary**

**Moderator:**

Welcome and Introductions

**Gregg Easley**

**Wastewater Permitting Process Updates:**

Compliance with Title VI of Civil Rights Act

**Macayla Coleman**

- New Rule requirements in Chapter 39
- TCEQ's Language Access Plan and Public Participation Plan
- TCEQ entered into an informal resolution agreement with EPA in response to a complaint filed against TCEQ
  - Complaint alleged discrimination against individuals with limited English proficiency in the administration of TCEQ's permitting and public engagement programs (violation of Title VI of the Civil Rights Act of 1964)
- As a result of the informal resolution with EPA and to meet Title VI requirements, TCEQ has done the following:
  - Published TCEQ's Public Participation Plan – GI-607 (General Information)
  - Published TCEQ's Language Access Plan – GI-608
  - Revised public notice requirements in Title 30 Texas Administrative Code Chapter 39
- These new plans and updated rules will impact Water Quality Permit applicants in the following ways:
  - For all applications administratively complete on or after May 1, 2022, applicants subject to public notice requirements in Chapter 39 must provide a plain language summary of their application
    - They must also provide this summary in an alternative language if alternative language notice requirements apply
  - Applicants with alternative language notice requirements must provide TCEQ with a translated copy of each notice
    - Failure to provide the translated notice documents will delay the permitting process
    - TCEQ will provide Spanish notice templates to assist applicants

- TCEQ is posting alternative language notices and plain language summaries on the public webpage in addition to newspaper publications completed by applicants
- Applicants with alternative language requirements must publish alternative language notices of any public meetings
- Applicants may be required to provide interpretation services at public meetings
- TCEQ's Public Participation Plan identifies using preliminary screening and public involvement plans to ensure meaningful public outreach.
  - TCEQ developed an agency-wide form for applicants to develop a public involvement plan (PIP) (**TCEQ Form – 20960**)
    - The new PIP form is required to be attached as part of the application package for applicants applying for a new permit or a major amendment to an existing permit
      - Required for all applications received on or after **November 1, 2022**
    - Water Quality permit applications are being updated to make it clear applications require attachment of the form for certain new applicants and major amendment applications
      - If you are working on an application right now, there is no need to do it again with the new applications, you may simply attach the PIP form to the application
    - Announcements regarding the forms and updated applications will be posted on the Wastewater and Stormwater Webpage: <https://www.tceq.texas.gov/permitting/wastewater>

**Permitting Program-Specific Updates:**

HB 2771 Implementation Activities

**Cole Gray**

**Background Information**

- TCEQ was transferred permitting authority for discharges into surface water in the state for oil and gas extraction facilities and gas plants via House Bill 2771 during the 2018 legislative session. TCEQ obtained TPDES authorization from EPA in January 2021 via a revised Memorandum of Agreement (MOA).
- Authority to issue permits for land application was not transferred to TCEQ via HB 2771 and remains under the Texas Railroad Commission (RRC).
  - The General Permit for Hydrostatic Discharges, TXG670000, was amended and re-issued with an effective date of October 21, 2020, to include crude oil and natural gas hydrostatic test discharges.
  - TCEQ is in the process of developing two general permits for oil and gas extraction facilities' discharges into surface waters of the state, one under the TPDES program (TXG310000) and another under state-only authority (WQG280000).

- The TPDES general permit will replace EPA's general permits TXG260000 and TXG330000 and individual Railroad Commission authorizations.
- State-only WQG280000 will replace individual Railroad Commission permit authorizations.

### Implementation Activities

- TXG310000 (which covers Onshore Stripper Well Facilities, Coastal Facilities, and Territorial Seas Facilities (within 3-miles of the Texas Coastline)
  - Combines and replaces NPDES General Permit No. TXG260000, which expired on 2/17/2017, and NPDES General Permit No. TXG330000, which expired on 7/30/2017), both of which were administratively continued.
  - TCEQ shared the draft general permit with stakeholders for review and comments. TCEQ is currently reviewing the comments received.
  - TCEQ submitted the draft general permit TXG310000 to EPA Region 6 for a 90-day review on August 2, 2022.
  - EPA's 90-day review is scheduled to be completed on November 1, 2022. TCEQ has had preliminary discussions with EPA on the results of their review.
  - Anticipated public notice: January 2023
  - Anticipated public comment period: January – February 2023
  - Anticipated Commission adoption: Spring 2023
  - Development of TXG310000 Notice of Intent (NOI), Notice of Change (NOC), and Notice of Termination (NOT) forms has been completed.
- WQG280000 [which covers Outer Continental Shelf Facilities (between 3 and 10.2 miles of the Texas coastline)]
  - The TCEQ state-only general permit will propose to authorize discharges to surface waters in the Gulf of Mexico
  - Sending out to stakeholders: early
  - WQG280000 is actively under development and being coordinated with EPA Region 6 in their development of the renewal of their equivalent permit, NPDES GMG290000.
  - The timeline for this GP will be paired up with TXG31 since the state-only GP is not subject to EPA review and approval.
    - Anticipated release for initial stakeholder input: December 2022
    - Anticipated Commission adoption: Spring 2023
  - Development of GMG280000 Notice of Intent (NOI), Notice of Change (NOC), and Notice of Termination (NOT) forms has been completed.
- Oil and gas authorizations issued or pending
  - Issued: 35 general permits for hydrostatic test discharges (TXG670000)
  - Pending: 21 individual oil and gas Texas Pollutant Discharge Elimination System (TPDES) permit applications

### **Updates to Homeland Security Contact Information Notifications**

**Paul Brochi/ Louis Herrin**

We have completed the 2022 HLS contact data entry into the Water Quality Emergency Preparedness System, (WQEPS) and in early July submitted it to the EPA START contractor for populating the Response Manager entry

TCEQ is currently extracting data to prepare lists for mailing out the 2023 annual homeland update requests. Request letter will be sent electronically and hard copy.

#### **Current Time frame for Requests**

January 2023 to send requests

Electronic entry into WQEPS can begin on receipt of the request

For 2023 homeland update, second year of using WQEPS, TCEQ is stressing the use of WQEPS electronic submittal through the WQEPS STEERS portal

- need a TCEQ STEERS ER Account and password
- can associate multiple Water Quality permits to a single STEERS ER Acct
- must review all existing data
- can update lift station through data entry or upload of Lift station spreadsheet
- Submitter needs to have signature authority
- only need to enter data to update what has changed from previous entry

TCEQ will be reviewing our WQEPS help, training and assistance

- develop additional help to fill gap
  - possible have MS TEAMS training sessions
  - possible live training sessions
- currently a YouTube video exists for the system, users can watch the whole video or select a specific area where they have questions (stops are set up in the video to jump to specific area of questions)

### **WQ EPS Updates via STEERS**

**Maria Benitez**

As Paul Brochi announced, we encourage permittees to submit their annual update submissions via STEERS. Permittees are encouraged to reach out to Maria Benitez should any issues arise with the submissions of the annual update information via STEERS, and are welcomed to contact her at [Maria.Benitez@tceq.texas.gov](mailto:Maria.Benitez@tceq.texas.gov) or call our main line. Permittees can also email our inbox at [homeland@tceq.texas.gov](mailto:homeland@tceq.texas.gov) with any questions, concerns, or request for further assistance or troubleshooting.

### **General Permit Updates**

**Dante Fekete**

**Construction General Permit (TXR150000) 2023 Renewal**

This general permit regulates stormwater discharges from construction activities and expires on March 5, 2023.

- The renewal process started in September 2021, and a stakeholder meeting was held on October 21, 2021, where TCEQ presented preliminary proposed changes. Stakeholders were given two weeks to provide input.
  - Some of the preliminary proposed changes include:
    - Prohibiting permit coverage for the construction or operation of a facility that is licensed for the storage of high-level radioactivity waste in accordance with HB7, 87<sup>th</sup> Legislative Special Session
    - Clarifying that large construction site notices must be maintained until final stabilization is achieved
    - Clarifying that compliance with the permit is required until termination of authorization
    - Included additional requirements for site maps and descriptions to clearly identify property boundaries and soil disturbing activities must note phasing (including demolition activities).
  - The full list of preliminary proposed changes and the information presented at the stakeholder meeting can be found on the TCEQ's Stormwater Stakeholders Group webpage at [https://www.tceq.texas.gov/permitting/stormwater/stormwater\\_stakeholders\\_group.html](https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html)
  - All stakeholder comments, as well as comments from various TCEQ program areas, were reviewed and the draft CGP was completed.
- **Public Notice Stage**
  - The proposed CGP was published for public notice and a 30-day comment period on September 17, 2022. Publication was in the *Texas Register* and the Houston Chronicle.
  - An in-person **public meeting** was held on **October 17, 2022**, the last day of the comment period.
    - More details about the public meeting are available at the Stormwater Stakeholders Group Webpage: [https://www.tceq.texas.gov/permitting/stormwater/stormwater\\_stakeholders\\_group.html](https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html)
  - All comments submitted orally during the public meeting or submitted in writing to the Office of the Chief Clerk are reviewed.
    - TCEQ received public comments from about 15 individuals
  - Currently drafting the Executive Director's Response to Comments and revising the proposed CGP as appropriate.
- The renewal permit is expected to go to Commissioners Agenda for adoption late February 2023 and be issued with an effective of March 5, 2023.

- The proposed permit (public noticed) is available for public viewing on the TCEQ Construction General Permit webpage:
  - <https://www.tceq.texas.gov/permitting/stormwater/construction>
- **John Graves General Permit (TXG500000) 2024 Renewal**
  - This general permit regulates stormwater and wastewater discharges from quarries in the John Graves Scenic Riverway and expires on March 28, 2024.
  - If anyone would like to submit informal feedback on ways to improve the John Graves general permit, you can send an email to [SWGP@tceq.texas.gov](mailto:SWGP@tceq.texas.gov) for our consideration.
  - TCEQ has started the renewal process for this general permit and anticipates publishing in the Fall of 2023.
  - TCEQ anticipates going to Commissioners Agenda early 2024 and issuing this general permit on March 29, 2024.
    - A recording of the webinar will be posted on the TCEQ YouTube Channel soon
    - For more information, see SBLGA's Assistance tools for the MSGP webpage at [Assistance Tools for Industrial Stormwater General Permit - Texas Commission on Environmental Quality - www.tceq.texas.gov](http://www.tceq.texas.gov/assistance-tools-for-industrial-stormwater-general-permit).

#### **Multi-Sector General Permit (TXR050000)**

**Macayla Coleman**

- **Implementation of Electronic Reporting via NetDMR**
- This general permit regulates stormwater discharges from industrial activities and was reissued last year on August 14, 2021.
- All permittees under the MSGP must report monitoring data electronically through NetDMR unless they qualify for and obtain a waiver from electronic reporting.
- The **NetDMR system is now ready** for MSGP permittees to access. TCEQ worked with EPA to flow the necessary permit data for permittees into the federal system.
- TCEQ's Small Business and Local Government Assistance Group (SBLGA) hosted a free webinar about reporting MSGP monitoring data in NetDMR on **October 11, 2022**.
  - A recording of the webinar will be posted on the TCEQ YouTube Channel soon
  - For more information, see SBLGA's Assistance tools for the MSGP webpage at [Assistance Tools for Industrial Stormwater General Permit - Texas Commission on Environmental Quality - www.tceq.texas.gov](http://www.tceq.texas.gov/assistance-tools-for-industrial-stormwater-general-permit).

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#### **Small (Phase II) MS4 General Permit (TXR040000)**

**Macayla Coleman**

- This general permit regulates stormwater discharges from small of Phase II Municipal Separate Storm Sewer Systems (MS4s) and expires on January 24, 2024.
- The renewal process started in May 2022, and an in-person **stakeholder meeting** was held on **September 27, 2022 at the TCEQ Austin campus**.
  - At the meeting TCEQ presented preliminary proposed changes including proposed permit language for three Minimum Control Measures (MCMs).

- Stakeholders were given two weeks to submit informal comments for TCEQ's consideration, which were due on October 12, 2022
  - TCEQ received comments from about 50 individuals
- The meeting handouts, and a recording of the meeting are available online on the Stormwater Stakeholders Group Webpage:
  - [https://www.tceq.texas.gov/permitting/stormwater/stormwater\\_stakeholders\\_group.html](https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html)
- TCEQ is currently reviewing the submitted comments and continuing to draft the general permit.

#### GP Updates

Shannon Gibson

- **Petroleum Bulk Stations and Terminals General Permit (TXG340000)** - authorizes discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals.
  - Commission issued on September 15, 2022.
  - Reissued GP became effective on October 24, 2022.
  - Facilities that are currently authorized under this GP are required to submit a Notice of Intent (NOI) by January 22, 2023.
- **Petroleum Contaminated Waste General Permit (TXG830000)** - authorizes stormwater discharges of water contaminated by petroleum substances into or adjacent to any water in the state.
  - TCEQ is proposing to renew and amend.
  - Current permit expires on September 12, 2023.
  - The draft GP and fact sheet were sent to EPA for a 90-day review on October 5, 2022.
- **Livestock Manure Compost General Permit (WQG200000)** - authorizes the disposal of wastewater generated from livestock manure compost operations by evaporation or beneficial use by irrigation.
  - TCEQ is proposing to renew.
  - Current permit expires on November 10, 2023.

#### Rule Updates

- **30 TAC Chapter 210 – Updates to Chapter 210 Use of Reclaimed Water (2022-018-210-OW)**  
Specifically, language is getting added to the existing rule at 210.5 to clarify that an application to obtain an authorization under Chapter 210 may be submitted concurrently or any time after submittal of an application for a TPDES/TLAP permit.
  - The commission approved this proposed rulemaking on September 22, 2022.
  - Notice was published in the Texas Register on October 7, 2022.
  - A public meeting will be held on November 7, 2022, at 10:00 a.m. in Building E, Room 201S (the agenda room).
  - The comment period will close on November 8, 2022.

#### 30 TAC Chapter 217 – Wastewater Treatment Systems Design Criteria

Paul Brochi/Louis Herrin

- We are currently working on the updates on Subchapters B. C. D. F. H. and I.
- We are planning on holding at least 4 stakeholder meetings.

## Questions & Answers

Gregg Easley

### **Announcements:**

- The next WQAWG Meeting will be held on January 24, 2023, @ 1:30 p.m.

### **Adjournment**

WQAWG website: [https://www.tceq.texas.gov/permitting/wastewater/WQ\\_advisory\\_group.html](https://www.tceq.texas.gov/permitting/wastewater/WQ_advisory_group.html)

This WQAWG meeting recording will be available for viewing on the TCEQ agency YouTube channel at:

<https://www.youtube.com/user/TCEQNews>

**Webcast attendees:** Please submit an email to [Outreach@tceq.texas.gov](mailto:Outreach@tceq.texas.gov) with “**WQAWG**” in the subject line and include your title/contact information (business affiliation and phone number) to be registered on the attendance roster. You may submit this information in advance.

### **Meeting attendees:**

If you wish to join the WQAWG Stakeholder group, please submit an email to [Outreach@tceq.texas.gov](mailto:Outreach@tceq.texas.gov) with “WQAWG” in the subject line and include your:

a) *First & Last Name*, b) *Company Name*, c) *Job Title*, d) *Email*, e) *Business affiliation*, f) *Address*, and g) *Phone number*.

**Thank you.**