

## Pesticides General Permit

Development Of Proposed Draft Permit To  
Provide Permit Coverage by April 2011

Water Quality Advisory Workgroup Aug. 3, 2010



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## Items to Discuss

- EPA's Draft General Permit
  - Permittee Definition
  - Use Patterns Authorized
  - Thresholds to determine Notice of Intent Requirements
  - Permit Requirements for NOI Group
  - Permit Requirements for non-NOI Group
- Next Steps

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## Permittee Definition

- The permit covers the groups of permittees listed as "operators" for each use pattern.
- **Operator Definition**
  - Person legally responsible for pest management activities resulting in a discharge
  - Employees, agents, and for-hire commercial applicators *are not* operators.
  - However, for-hire commercial applicators *are* operators if they are legally responsible for pest management activities.

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### Permittee Definition - Continued

- **Agent Definition**  
– Persons who act for or representatives of the operator
- **Employees Definition**  
– Persons employed by the operator for wages or salary
- **For-Hire Commercial Applicator**  
– Persons who make contractual pesticide applications for which they or their employer receives compensation (e.g., lawn care firms, pest control companies)

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### Use Patterns Authorized

- Mosquito and Other Flying Insect Pest Control
- Aquatic Weed and Algae Control
- Aquatic Nuisance Animal Control
- Forest Canopy Pest Control

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### Thresholds for NOI

PGP Part	Pesticide Use	Annual Threshold
2.2.1	Mosquitoes and other Flying Insect Pests	640 acres of treatment area
2.2.2 and 2.2.3	Aquatic Weed and Algae Control or Aquatic Nuisance Animal Control	20 acres of treatment area in water and/or 20 linear miles at water's edge
2.2.4	Forest Canopy Pest Control	640 acres of treatment area

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**Permit Requirements for NOI  
Group**

- Technology-Based Effluent Limitations
  - Minimize Pesticide Discharges into Waters of the US
- Water Quality-Based Effluent Limits
- Integrated Pest Management (IPM) Practices
- Visual Monitoring
- Pesticide Discharge Management Plan
- Corrective Action

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**Permit Requirements for NOI  
Group - Continued**

- Adverse Incident documentation and Reporting
  - 24 hour notification and 5 day written report
- Reportable Spills and Leaks
- Recordkeeping and Annual Reporting

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**Permit Requirements for not-NOI  
Group**

- Technology-Based Effluent Limitations
  - Minimize Pesticide Discharges into Waters of the US
- Water Quality-Based Effluent Limits
- Visual Monitoring
- Recordkeeping

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### Next Steps

- Stakeholder Meeting To Discuss Draft PGP  
– Informal comments Provided by Stakeholders
- Publish Proposed PGP
- Comment Period Ending With Public Meeting
- Revise Draft And Schedule Commission Agenda To Present Proposed PGP for Adoption

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### Website for Pesticides General Permit

[http://www.tceq.state.tx.us/permitting/water\\_quality/stakeholders/pesticide-permitting-stakeholder-group](http://www.tceq.state.tx.us/permitting/water_quality/stakeholders/pesticide-permitting-stakeholder-group)

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# **Water Quality Advisory Workgroup August 3, 2010**

Renewal of TPDES General Permit Number TXR050000  
Multi-Sector General Permit (MSGP)

## **Summary and Background**

The MSGP is a statewide general permit that authorizes the discharge of storm water associated with industrial activity.

The current permit was issued on August 14, 2006 and will expire on August 14, 2011.

TCEQ aims to renew the permit in April of next year to allow for renewals to be processed before the beginning of fiscal year 2012, which starts on September 1, 2011.

No formal stakeholder process is planned outside of meetings and updates such as this one, since this is the second renewal of the TPDES MSGP, and the proposed changes are not significant.

A public meeting will be held in Austin at the close of the comment period (estimate January 2011).

## **Next Major Steps in Permit Development**

1. Complete Initial Briefings of Executive Management and Commissioners - August, 2010
2. Submit Draft to EPA for Review - August through October 2010
3. Internal Briefings - November and December 2010
4. Public Notice and Public Meeting - December 2010 through January 2011
5. Prepare Response to Comments - February 2011
6. Internal Briefings - March 2011
7. Commission Agenda - **April 2011**

## **Proposed Changes from the Existing 2006 MSGP**

### ***The primary changes proposed for the draft MSGP include:***

- A. Automatic authorization option for additional industrial facility operators; similar to one that was added for certain general warehousing facilities in the 2006 renewal. Automatic authorization would require a condition of no exposure, and would mean that an operator would not need to submit any forms to TCEQ.

This option would be added for the following facilities:

- Operators of regulated facilities that occur within a residential home, shopping mall, or office building, and that have no exposure of any regulated activity to storm water.
  - Operators of publishing and designing companies that do not perform printing activities and that do not have exposure of any regulated activity to storm water.
- B. The sectors related to mining activities would be expanded to include discharges from construction activities initiated prior to mining. The relevant sections also include an

effluent limit for turbidity [280 nephelometric turbidity units (NTU)] and narrative BMP requirements from the new federal categorical effluent limitations guidelines (ELGs), 40 CFR Part 450, which will be incorporated into TCEQ rules at 30 TAC §305.541.

- *These sectors would also include additional language to clarify when permitting requirements cease based on a mine being considered reclaimed or stabilized. This is consistent with EPA's 2008 MSGP and will help clarify when an NOI may be submitted.*

C. A new option for transportation facilities (land transportation and warehousing, water transportation, and air transportation) to include storm water discharges from material handling and storage areas under the MSGP where those areas would require permit coverage, but had not previously been allowed under the MSGP because they were not associated with vehicle/equipment maintenance.

- *The proposed change would expand the definition of storm water associated with industrial activity..*

D. Added authorization for contaminated storm water discharges from active landfill cells described by industrial activity codes HZ (hazardous waste treatment, storage, and disposal) and LF (landfills and land application sites) that are subject to 40 CFR Part 445, Subparts A and B; and provided clarification regarding which discharges are covered and which are not. This is consistent with the EPA's 2008 MSGP.

- *Not previously allowed under EPA Region 6 permit nor original TPDES MSGP.*

E. Changes to requirements for paper application forms:

- Extended the period of time required to await provisional coverage after submitting a paper NOI from two (2) to seven (7) days, in order to insure that TCEQ receives the NOI. This is the same change that was made in the reissuance of the Construction General Permit (CGP) in March 2008.
- Proposed an increase to the application fee by \$100.00 for operators submitting a paper NOI or NEC form. The proposed new fee for paper NOIs and NECs is \$200.00.
- Removed the option for facilities utilizing electronic filing to have an extra 30 days to renew coverage, as other incentives are being proposed (i.e., application fee incentive and difference in the date that authorization begins).

F. Proposed Changes to Benchmark Sampling:

- Revision of benchmark levels based on data that was submitted during calendar years 2007 and 2008. Some were increased, others were decreased; and these changes were done on a pollutant-by-pollutant basis. While data was evaluated for each sector, TCEQ found very few cases sector-specific limits would be warranted (see TSS).
  1. Parameters increased to median:
    - i. COD (55 to 60);
    - ii. magnesium (0.064 to 1.4)
  2. Parameters lowered:
    - i. TSS (100 to 50, for certain SIC codes with median <50 mg/l);
    - ii. arsenic (0.17 to 0.01);
    - iii. ammonia-nitrogen (8.11 to 2.5 – max reported was 2.5);
    - iv. certain metals lowered to MAL because the median was equal to the MAL: silver, cadmium, cyanide, mercury, and selenium.

- New benchmark sampling requirements in Sector AD (Miscellaneous Industrial Activities) for pollutants commonly regulated in individual storm water permits: pH, COD, TSS, and oil and grease.
  - New waiver option for benchmark sampling during Years 3 and 4, if sampling during Years 1 and 2 demonstrates that the annual average result for all benchmark parameters is below the benchmark level for the regulated sector.
  - Revision of reporting requirements so that Years 1 and 2 data would be submitted to TCEQ and Years 3 and 4 (if not waived) would be retained on site, except that any annual average result exceeding a benchmark level must be submitted to the TCEQ.
- G. Revisions to clarify that a precipitation event is considered representative, or “qualifying,” based on the fact that it produces a discharge, rather than based on the measured amount of precipitation (i.e., previously a representative storm event would include at least 0.1 inch of measured precipitation). This change is consistent with the EPA’s MSGP.
- H. Revised conditions within several specific industries in Part V of the draft MSGP, including the following significant items. Changes are consistent with 2008 EPA MSGP:
1. Moved the petroleum refinery SIC code to Sector C (Chemical and Allied Products) from Sector I (Oil and Gas Activities).
  2. Provided additional clarification as to which oil and gas activities are regulated under Sector I, and which must be permitted by the EPA (i.e., only SIC 1389 – base of operations – is regulated by TCEQ).
  3. Clarified that discharges of incidental windblown mist from cooling towers under the list of authorized non-storm water discharges.
  4. Clarified which scrap recycling facilities are regulated, including electronics recycling; and added a provision describing when certain municipally-operated recycling collection facilities would not be regulated. Added several additional SWP3 requirements based on the type of material being recycled.
  5. New language regarding which power generating facilities are regulated under Sector O (“steam electric power generating facilities”), and which are not regulated.
  6. Additional requirements for air transportation facilities, particularly addressing deicing activities.
- I. Changes to Definitions:
- Added definitions for the several terms, including:
    - arid areas / semiarid areas,
    - constituent of concern,
    - control measure,
    - diffuse point source,
    - drought,
    - SIC code (including primary SIC code and secondary SIC code),
    - hyperchlorinated water,
    - impaired water,
    - industrial activity,
    - no exposure,
    - qualified personnel, and
    - TMDL



# **SURVEY**

## **Water Quality Advisory Workgroup (WQAWG)**

8/3/10

1. At future WQAWG meetings what topics or presentations would be of value to you?

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2. At future WQAWG meetings would you be interested in panel discussions?

Yes \_\_\_\_\_

No \_\_\_\_\_

3. At future WQAWG meetings would you be interested in stakeholder presentations? If yes, please provide your name and contact information.

Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

4. At future WQAWG meetings would you be interested in vendor presentations?

Yes \_\_\_\_\_

No \_\_\_\_\_

5. At future WQAWG meetings what improvements would you suggest?

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# **WATER QUALITY ADVISORY WORK GROUP (WQAWG) SURVEY RESULTS**

**At the Water Quality Advisory Work Group (WQAWG) meeting held on August 3, 2010 a survey was conducted to gather information for future WQAWG meetings. The results of the survey are as follows:**

**Number of Attendees (30)  
Number of Surveys Completed (15) 50%**

## **Suggested Future Topics or Presentations**

- Domestic Water Quality Issues
- National Pollution Discharge Elimination System (NPDES) Thresholds and Enforcement Actions
- Water Quality/Storm Water Monitoring Research, Bacteria (E-coli) and other indicator species
- Results/Effectiveness of Watershed Protection Plans - Statewide
- Status of TCEQ Sunset Review
- Pesticides General Permit draft (when available)
- Pesticides General Permit
- Implementation of EPA's Construction Effluent Guidelines
- Economical solutions towards urban or agricultural water issues (new technologies)
- Private Mosquito Control
- Sanitary Sewer Overflow Initiative and EPA's proposed guidelines/rules for Sanitary Sewer Overflow
- Wet Weather Flows
- Frac Water Discharge into Sanitary Sewer Collection Systems (gas well drilling)
- Better evaluation of human and feral hog contamination of Intermittent Streams as separated from Commercial Poultry Products

## **Panel Discussions**

90 % of survey respondents indicated an interest in panel discussions.

## **Stakeholder Presentations**

5 % of survey respondents indicated an interest in stakeholder presentations.

## **Vendor Presentations**

75% of survey respondents indicated an interest in vendor presentations.