

UPDATE ON GENERAL PERMITS
01/04/06

#1

TITLE	DESCRIPTION	STATUS/ISSUES
<u>TXR040000</u> Phase II MS4s (Municipal Separate Storm Sewer Systems)	Authorizes the discharge of storm water from small MS4s located in an urbanized area.	The revised draft permit was published and a public meeting was held on 09/09/05. Staff is currently working on the response to comments.
<u>TXR050000</u> MSGP	Authorizes the discharge of storm water associated with industrial activities.	The proposed permit renewal has been drafted and was sent to the EPA for review on 12/13/05.
<u>TXR150000</u> Phase II Construction Storm Water	Authorizes the discharge of storm water from construction sites.	Accepting and processing NOIs. We have begun to discuss the permit renewal. Informal comments may be sent to David Waterstreet.
<u>TXG110000</u> Discharges from Concrete Production	Authorizes the discharge of facility wastewater and storm water associated with industrial activities from ready-mix concrete plants, concrete products plants, and their associated facilities.	The draft permit was approved by the EPA, notice was published, and the RTC completed. Changes were made to the draft based on public comments and then sent to the EPA for a 30 day review on 12/14/05.
<u>TXG130000</u> Aquaculture	Authorizes the discharge from concentrated production facilities and other facilities that raise aquatic species using ponds, lakes, tanks, or raceways.	The RTC has been completed. The Chairman is scheduled to be briefed this month, after which, a request will be made to place the permit on the Commissioner's agenda for adoption.
<u>TXG340000</u> Petroleum Bulk Storage Stations and Terminals	Authorizes the discharge of facility wastewater and storm water associated with industrial activities from petroleum bulk storage stations and terminals.	The draft permit has been approved by the EPA. The RTC has been completed and is with the TCEQ legal staff for review.
<u>TXG530000</u> Harris County Onsite	Authorizes the discharge from on-site treatment systems from single family residences located within the San Jacinto River Basin in Harris County.	TCEQ on-site staff are currently working with Harris County to finalize the information that needs to be collected from applicants and submitted to the Agency.
<u>TXG670000</u> Hydrostatic Testing	Authorizes the discharge resulting from the hydrostatic testing of vessels (pipelines, tanks, and other containers).	Issued April 5, 2005. Accepting and processing NOIs.
<u>TXG830000</u> Water Contaminated by Petroleum Fuel or Substances	Authorizes the discharge of water contaminated by petroleum fuel or petroleum substances.	Accepting and processing NOIs.
<u>TXG920000</u> Concentrated Animal Feeding Operation (CAFO)	Authorizes the discharge from concentrated animal feeding operations.	The permit was amended in response to SB1707, which allows dry litter poultry CAFOs located in a sole source drinking water protection zone to obtain coverage under the general permit. The permit has been submitted to the EPA for review.



TNRCC REGULATORY GUIDANCE

Field Operations Division

RG-395

June 2002

Unauthorized Discharges and Sanitary Sewer Overflows

What does this document cover?

The Texas Natural Resource Conservation Commission (TNRCC) is responsible for protecting the state's waters. Part of that responsibility involves monitoring unauthorized discharges of wastewater (also known as sewage) and, when necessary, pursuing enforcement action. The purpose of this regulatory guidance document is to clarify the requirements for reporting unauthorized discharges and overflows from sanitary sewers.

Who should read this document?

The main audience consists of managers, professionals, and operating personnel from two kinds of organizations: (1) *regulated entities* and (2) *subscribers*.

A **regulated entity (RE)** is the holder of a water quality permit issued by the TNRCC and/or the United States Environmental Protection Agency (EPA). The RE may be a municipality, municipal water district, private individual, or company. (The TNRCC issues several types of water quality permits to REs; the most relevant permits to this document are those that regulate collection and treatment of wastewater.)

A **subscriber** is defined as any business or organization acting as a customer of an RE or as a waste contributor. Subscribers can range from a single large retail store that operates its own sewage lift station, to cities that collect waste and send it for treatment to a permitted wastewater treatment plant. Subscribers maintain a wastewater collection system that transports their wastewater to the collection

system of the permitted facility or directly to a permitted wastewater treatment plant.

What is an unauthorized discharge or sanitary sewer overflow?

An **unauthorized discharge (UD)** is any discharge of wastewater into or adjacent to the state's waters at a location not permitted as an outfall (see Clean Water Act Section 301 (a) or Texas Water Code Section 26.121; for ways to find state laws and regulations, see the heading "Where can I get more information" at the end of this document). An unauthorized discharge may include a discharge of wastewater onto the ground (paved or otherwise), or a discharge into a pond, creek, canal, river, lake, wetland, or any other body of surface water or groundwater.

A **sanitary sewer overflow (SSO)** is a type of unauthorized discharge of untreated or partially treated wastewater from a collection system or its components (that is, manhole, lift station, or cleanout) before reaching a treatment facility.

Caution: Do not use or interpret this guidance document as a substitute for the complete, official version of any state or federal law, rule, or regulation.

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Do I need to report a UD or SSO?

Yes. The requirements for notifying the TNRCC about unauthorized discharges of wastewater are specified in an RE's water quality permit. A subscriber is responsible for reporting unauthorized discharges from its collection system in accordance with Texas Water Code Section 26.039.

Is there a minimum volume that I need to report?

No. There is no minimum reporting volume specified in federal or state regulations.

When do I have to report? And who do I report to?

Unauthorized discharges from the treatment plant and/or collection system must be reported to your TNRCC regional office **as soon as possible but no later than 24 hours** after you become aware of the violation.

[To locate your region's TNRCC office, go to the TNRCC's Web site (www.tnrcc.state.tx.us), click on the button "Contact and Locate Us" and then look at the listings under "Regional Offices." The same listings are available in printed form in TNRCC Publication GI-002. For ways to order publications and other information from the TNRCC, see the box on page 3.]

During normal business hours of 8 A.M. to 5 P.M., the 24-hour notice must be made orally or by facsimile transmission (fax) to your local regional office. If the UD or SSO occurs after normal business hours, telephone your regional office and follow the instructions in the recorded message. If the estimated volume is enough to trigger the public notification requirements of Chapter 30, Texas Administrative Code (TAC), Sections 319.301–303, then the "responsible person" (as defined in 30 TAC Chapter 319) should notify the TNRCC Emergency Response Hotline (1-800-832-8224).

Do I have to make a written report? And what should it include?

For Subscribers. You must make an initial oral report. In addition, TNRCC requests that you follow up with a written report within five working days

after you become aware of the violation. (See the list below for points the report should cover).

For Regulated Entities. In addition to the initial oral report, all water quality permit holders must submit a written report to the TNRCC regional office and to the TNRCC's Enforcement Division in Austin. The written report must be submitted within five working days after you become aware of the violation.

The Written Report. Include a description of:

- the nature of the UD or SSO (source, location, route, volume) and its specific cause;
- the potential danger to human health or safety, or the environment (including monitoring data, if collected);
- the duration of the UD or SSO with exact dates and times;
- an estimate of how long the noncompliance is expected to continue (if the noncompliance has not been corrected at the time of reporting);
- actions taken to mitigate adverse effects; and
- steps taken to reduce, eliminate, and prevent recurrence of the noncompliance.

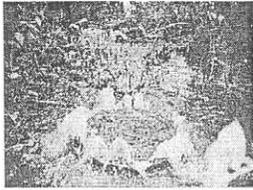
Is there a form I can use to report a UD or SSO?

Yes. TNRCC has a standardized form (TNRCC Form 0501), *Water Quality Noncompliance Notification*. This form can be used for the 24-hour fax notice and/or five-day written report. For ways to obtain TNRCC forms, see the heading "Where can I get more information," or you may obtain a copy from your local regional office.

Alternatively, you may provide written information in letter format. All noncompliance notifications must include the permit number of your wastewater treatment facility. All noncompliance notifications from subscribers must include the permit number of the treatment plant to which the collection system is connected.

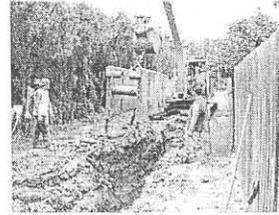
You must keep a copy of any written report of UDs or SSOs at the facility site, or the reports must be readily available for review by TNRCC representatives, for a period of three years.

Overview of Texas Commission on Environmental Quality's Sanitary Sewer Overflow (SSO) Initiative



Why an SSO Initiative?

- ▶ Increase in SSOs due to aging systems
- ▶ Corrective action often delayed



Why an SSO Initiative?

Authority: Texas Water Code § 26.121(a).
 UNAUTHORIZED DISCHARGES PROHIBITED.

Except as authorized by the commission, no person may discharge:

- ▶ sewage, municipal waste,
- ▶ waste, agricultural waste, or industrial waste into or adjacent to
- ▶ any water in the state;

What's the Goal of the Initiative?

- ▶ To encourage municipalities to develop and implement a corrective action plan before recurrent SSOs:
 - ▷ Impact human health, safety or environment
 - ▷ Become major enforcement issues

How Will We Accomplish This?

- ▶ Offer municipalities with recurrent SSOs an opportunity to enter into an Formal Agreement with the agency to address SSO problems.

How will This Benefit the Municipality?

- ▶ No penalties associated with the Agreement
- ▶ Facilitate funding of the project(s)
- ▶ More likely to comply with a more formal agreement.

Key Divisions

- ▶ Field Operations
- ▶ Enforcement
- ▶ Small Business and Local Government Assistance

Enforcement Division Responsibilities

- ▶ Draft and finalize the Agreements
- ▶ Monitor status of compliance with technical requirements and schedule

Small Business & Local Government Assistance Division Responsibilities

- ▶ Provide information on funding
- ▶ Provide technical assistance
- ▶ Offer a series of workshops

Field Operations Division Responsibilities

- ▶ Identify facilities eligible for initiative
- ▶ Conduct investigations
- ▶ Hold meetings to explain initiative
- ▶ Make referrals to Enforcement
- ▶ Provide input about compliance status

FOD Procedures

• Identify Eligible Facilities - Factors to Consider

- ▶ Self-reported data
- ▶ SSO history
- ▶ Previous NOV's
- ▶ In impaired watersheds
- ▶ Documented impact
- ▶ Repeated complaints

FOD Procedures

• Identify Eligible Facilities - Factors to Consider

- ▶ Corrective action must require longer than six months to complete.
- ▶ Facility cannot be under formal enforcement

FOD Procedures

- **Conduct Investigation**
 - ▶ On-site investigation required if no investigation within last 12 months
 - ▶ Record review acceptable when a recent inspection documented SSO violations.

FOD Procedures

- **Scheduling the Meeting**
 - ▶ Send letter requesting participation which explains:
 - ▷ Participation is voluntary
 - ▷ Must agree to evaluate the wastewater system and develop plan and schedule

FOD Procedures

- **Meet with Facility**
 - ▶ Discuss investigation findings
 - ▶ Explain the initiative
 - ▶ Discuss elements of compliance plan
 - ▶ Provide SBLGA assistance materials

FOD Procedures

- **Follow-up to the Meeting**
 - ▶ Send a Letter Confirming Participation
 - ▷ Identifies minimum requirements of the compliance plan
 - ▷ Allows up to 30 days to submit compliance plan

Evaluation of the Compliance Plan (Continued)

- ▶ Describes cause and interim measures to mitigate effects
- ▶ Includes an Sanitary Sewer Evaluation Survey of the collection system
- ▶ Describes corrective measures, including milestones for completion.

Evaluation of the Compliance Plan (Continued)

- ▶ Provisions to develop or improve O&M program
- ▶ Describes source(s) of funding
- ▶ Includes provisions for evaluating effectiveness of improvements
- ▶ Cannot exceed 10 years

FOD Procedures

- ▶ Notify facility when approved
- ▶ Send copy of plan to the Enforcement Division

Tracking Status of the Compliance Agreement

- ▶ Enforcement Coordinator (EC) will monitor compliance with Technical Requirements and schedule
- ▶ Investigators provide input to the EC about compliance status

Withdrawal from Participation

- ▶ **Failure to submit appropriate response or to complete required action at a scheduled milestone**
- ▶ **Additional SSOs with documented impact occur**

Main Points to Remember about the Initiative

- ▶ **Participation in the SSO Initiative is voluntary**
- ▶ **Entering into the Agreement will not affect your Compliance History**

Main Points to Remember about the Initiative

- ▶ **A Letter Confirming Participation in the Initiative will be issued for the SSO violations**
- ▶ **Respond to the Letter (following the meeting) within 30 calendar days**
- ▶ **Conduct Sanitary Sewer Evaluation Survey of the Collection System Review within 180 days**

Main Points to Remember about the Initiative

- ▶ **You will receive an approval letter from the Region Office**
- ▶ **Compliance Plan issued by the Enforcement Division**

Contact Information

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*Water Quality Advisory Workgroup
January 10, 2006*

**Multi Sector General Permit Update
2:45 - 3:00 p.m.**

- Overview of Current Status:

Existing MSGP expires August 20, 2006. A preliminary draft renewal has been developed and was mailed to EPA for comment on December 15, 2005.

- Primary changes being proposed:

- A. Removal of the requirement for a facility owner to sign the application for permit coverage;
- B. Revisions to the annual discharge monitoring report (DMR) requirements to report results of compliance with numeric effluent limits;
- C. Revisions to benchmark reporting requirements;
- D. Addition of requirement to maintain a rain gauge for determination of representative storm events;
- E. Revision of Sector J, related to Mineral Mining and Processing Facilities, to require alternative permit coverage for certain quarries that are addressed in the Texas Water Code, at § 26.155;
- E. In Sector P, specified that SIC 4221-4225, Mini Storage Warehouses, would only require permit coverage for any vehicle or equipment maintenance areas;
- F. Revisions to provide additional technical and administrative clarifications.

- Next Steps:

- A. Revise, if needed, based on EPA Comments
- B. Schedule and conduct briefings with TCEQ management
- C. File draft permit with CCO
- D. Publish notice
- E. Conduct public meeting
- F. Prepare Response to Comments (RTC) and revise draft permit and fact sheet as needed
- G. EPA 30-day re-review
- H. Schedule and conduct briefings with TCEQ management
- I. Schedule proposed permit to be considered at a Commission agenda
- J. Send notifications to existing permittees regarding reapplication requirements

- Questions or Comments?

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SUBSURFACE AREA DRIP DISPERSAL SYSTEMS RULE

Proposed New 30 TAC Chapter 222

Dates to Remember

February 1, 2006	Agenda for Proposal
February 17, 2006	Rule published in the <i>Texas Register</i> Public comment period begins
March 14, 2006	Public Hearing, 2PM, F-2210
March 20, 2006	Public comment period ends
June 28, 2006	Agenda for Adoption
July 20, 2006	Rules become effective