

**Water Quality Advisory Work Group
Meeting Summary
January 10, 2006**

Welcome and Introductions - Chris Linendoll

- Beth Fraser - new Special Assistant to L'Oreal Stepney, Director
- Charles Maguire - new Technical Specialist

General Permits Update - Yvonna Pierce - (Handout #1)

- TXR040000 - Phase II MS4s - Staff working on response to comments
- TXR050000 - MSGP - Renewal permit sent to EPA for review - Staff asked for expedited review
- TXR150000 - Phase II Construction Storm Water - Accepting and processing NOIs - Permit will expire March, 2008 and we hope to begin working on the renewal this year. Informal comments may be sent to David Waterstreet
- TXG110000 - Discharges from concrete production - Draft permit approved by EPA - Changes made based on public comment, then returned to EPA for 30 day review.
- TXG130000 - Aquaculture - RTC completed - Briefings scheduled in January, then will request to be placed on Commissioners' Agenda.
- TXG34000 - Petroleum Bulk Storage Stations and Terminals - Draft permit approved by EPA, RTC complete, with legal staff for review
- TXG530000 - Harris County Onsite - On-site staff currently working with Harris County to finalize information that needs to be collected from applicants and submitted to TCEQ
- TXG670000 - Hydrostatic testing - Issued April 5, 2005, TCEQ accepting and processing NOIs
- TXG830000 - Discharge of water contaminated by petroleum fuel or petroleum substances - Accepting and processing NOIs - Will begin work on renewal this year.
- TXG920000 - Concentrated Animal Feeding Operations - Permit 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 - Permit submitted to EPA for review.
- WQG600000 - This general permit was developed in response to SB1281. The permit was noticed in the Houston Chronicle on January 9, 2006 and will be published in the Texas Register on January 13, 2006. Although this is a "Water Quality" General Permit, it will be managed by the TCEQ Waste Division.
- WQG200000 - Manure Compost Permit. This is a state only land application permit. It can not be used by CAFOs. It will expire in 2007 and we will begin the renewal this year.

Issues Related to Sanitary Sewer Overflow (SSO) Initiative - Elston Johnson (Handouts #2 and #3)

- SSO Initiative created because of increase in SSOs due to aging systems
- Corrective action often delayed
- Authority for SSOs found in Texas Water Code §26.121(a)
- Goal of initiative:

- ▶ To encourage municipalities to develop and implement a corrective action plan before current SSOs
- ▶ Impact human health, safety or environment
- ▶ Become major environment issues
- TCEQ will accomplish these goals by offering municipalities with recurrent SSOs an opportunity to enter into a Formal Agreement with the agency to address SSO problems
- How will this benefit the Municipality?
 - ▶ No penalties associated with the agreement
 - ▶ Facilitates funding of the project
 - ▶ More likely to comply with a more formal agreement
- Key Divisions
 - ▶ Field Operations
 - ▶ Enforcement
 - ▶ Small Business and Local Government Assistance
- Enforcement Division will:
 - ▶ Draft and finalize agreements
 - ▶ Monitor status of compliance with technical requirements schedule
- ▶ Small Business and Local Government Assistance Division will:
 - ▶ Provide information on funding
 - ▶ Provide technical assistance
 - ▶ Offer a series of workshops
- Field Operations Division will:
 - ▶ 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 NOVs
 - ▶ In impaired watersheds
 - ▶ Documented impact
 - ▶ Repeated complaints
 - ▶ Corrected action must require longer than six months to complete
 - ▶ Facility cannot be under formal enforcement
- FOD conducts investigation
 - ▶ On-site investigation required if no investigation within last 12 months
 - ▶ Record review acceptable when a recent inspection documented SSO violation
- FOD schedules meeting with facility
 - ▶ Discusses investigation findings
 - ▶ Explains initiative
 - ▶ Discusses elements of compliance plan
 - ▶ Provides SBLGA assistance materials
- FOD follows up the meeting by:
 - ▶ Sending a letter confirming participation

- ▶ Identifies minimum requirements of the compliance plan
- ▶ Allows up to 30 days to submit compliance plan
- Evaluation of compliance plan
 - ▶ Describes cause and interim measures to mitigate effects
 - ▶ Includes a Sanitary Sewer Evaluation Survey of the collection system
 - ▶ Describes corrective measures, including milestones for completion
 - ▶ 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 will notify facility when approved
 - ▶ FOD will 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 of the SSO Initiative
 - ▶ Participation in the SSO initiative is voluntary
 - ▶ Entering into the Agreement will not affect compliance history
 - ▶ 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
 - ▶ You will receive an approval letter from the Region Office
 - ▶ Compliance plan issued by the Enforcement Division

Water Quality Fees - Tom Weber

- TCEQ is conducting a comprehensive review of the agency's water-related program activities and fee structure to ensure that the agency has sufficient funds to support its water programs
- TCEQ Commissioners have also directed staff to seek public input on the agency's proposed water fee structure
- The 79th Legislature reduced approximately \$40 million of General Revenue and simultaneously appropriated \$40 million of Water Resource Management account fund 153 which is fee supported.
- Agency programs affected by this funding swap were the agency's water programs.
- Fund balances from Fund 153 are being used to support these '06-'07 activities
- Those balances are expected to be depleted over the next two years.
- The project is analyzing the agency's water-related program activities and costs to ensure that the agency can implement statutorily required water programs in an efficient manner and that those activities are appropriately supported.

- The project will include a proposal regarding fees which can support the agency's mission toward protecting the State's water resources.
- The recommendations will strive to ensure equity and fairness among the State's fee payors.
- Staff is currently estimating that a detailed plan will be ready for review and stakeholder input in the Spring of 2006.

Multi-Sector General Permit Developments - Cindy Hooper (Handout #4)

- 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:
 - ▶ Removal of the requirement for a facility owner to sign the application for permit coverage
 - ▶ Revisions to the annual discharge monitoring report (DMR) requirements to report results of compliance with numeric effluent limits
 - ▶ Revisions to benchmark reporting requirements
 - ▶ Addition of requirement to maintain a rain gauge for determination of representative storm events
 - ▶ 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
 - ▶ In Sector P, specified that SIC 4221-4255, Mini Storage Warehouses, would only require permit coverage for any vehicle or equipment maintenance areas
 - ▶ Revisions to provide additional technical and administrative clarifications
- Next steps:
 - ▶ Revise, if needed, based on EPA comments
 - ▶ Schedule and conduct briefings with TCEQ management
 - ▶ File draft permit with CCO
 - ▶ Publish notice
 - ▶ Conduct public meeting
 - ▶ Prepare Response to Comments (RTC) and revise draft permit and fact sheet as needed
 - ▶ EPA 30-day re-review
 - ▶ Schedule and conduct briefings with TCEQ management
 - ▶ Schedule proposed permit to be considered at a Commission agenda
 - ▶ Send notifications to existing permittees regarding reapplication requirements

Streamlining the National Pretreatment Regulations - Rebecca Villalba

- EPA published the National Pretreatment Streamlining Regulation in the Federal Register on October 14, 2005
- Effective 30 days later
- Rules in Texas (30 TAC Chapter 315) will not need to be revised since TCEQ adopted 40 CFR 403 by reference as amended
- National Resource Defense Council will more than likely file lawsuit against EPA by the 120 days deadline
- Lawsuit may impact several of the items in the final rule

- EPA and States will move forward with items not included in the lawsuit
- Revise TPDES permit pretreatment language and audit checklist to reflect the streamlining rules
- EPA Hqs has drafted a fact sheet and may draft a FAQs document to assist with implementation
- Meeting held in Dallas November 17th and 18th, 2005 with EPA and States of Region 6 to discuss implementation
- A POTW with an approved program must implement and modify the approved pretreatment program as specified in the Federal Register in order to be considered a nonsubstantial modification
- Texas will hold a general meeting sometime in late Spring or early Summer to discuss the streamlining rules, lawsuit, EPA Fact Sheet, required changes, voluntary changes

Update on Subdrip Irrigation - Sherry Smith (Handout #5)

- SADD rules will apply to all applications received after July 20, 2006.
- SADD rules will not apply to OSSFs.
- Existing SADDs can continue to operate under current permits until they expire. When filing for a renewal, existing facilities can request a variance from the SADDs rule, but will have to demonstrate that the systems are not causing pollution.
- SADDs applications will be subject to the HB 801 application & hearing request processes.
- There will be a compliance history document prepared for each entity that is related to the applicant. Related is defined in the rules.
- It will be the applicant's responsibility to supply a list of related entities.
- Rule contains site selection and preparation requirements.
- Hydraulic application rate is 0.1 gpd/sf west of the 35 inch rainfall meridian if using non-native year round cover crop.
- Other conditions require modeling.
- County lines are used for the meridian.
- Engineering plans and specs are from 30 TAC 285 & 317 with the addition of criteria for anaerobic biological reactors (ABRs) and sand filters.
- Storage is set at 3 days. Alternative methods of disposal in lieu of storage must be approved.
- Leaching to protect the cover crop is allowed.
- Soil moisture monitoring will be required when there is evidence of groundwater beneath the site.
- Soil nutrient monitoring will be same as other TLAP permits.
- Operator licensing - Class C required for domestic systems. Training required for all operators.
- Closure requirements. Clean closure or disable and deed record.

Next meeting date and suggested topics:

- Tuesday, April 11, 2006, TCEQ, Building F, Room 2210, 1:15pm
- Suggested topics include an update on 316(B), 2006 Standards revision, Water Quality Fees, e-permitting, and EDMRs.

**Water Quality Advisory Work Group
Attendee List
January 10, 2006**

Mary Miksa	Texas Association of Business
Julia Marsden	League of Women Voters-Texas
Dagmar Babcock	USDA
Richard Eyster	TDA
Jan Sills	TCEQ
Elston Johnson	TCEQ
Mark Zeppa	IWSCOT
Mary Etter	LCRA
Randy Wilburn	Clark, Thomas & Winters
Carol Batterton	Water Environment Association of Texas
Richard S. Talley	City of Fort Worth
Mary Gugliuzza	Fort Worth Water
Jeff Sammon	BRA
Allen White	USFWS
Chris Linendoll	TCEQ
Michelle Smith	Lloyd Gosselink
Joy Schultz	SBLGA - TCEQ
Olga Salinas	Hill Country Environmental
Dean Robbins	TWCA
Sam Scott	Trinity River Authority
Sherry Smith	TCEQ
Cindy Hooper	TCEQ
Lial Tischler	Tischler/Kocurek
Becky Thomas	Testengeer, Inc.
Aaron Wendt	TSSWCB
Dan Siebeneicher	TWUA
David Thomas	HDR
Cindy Contreras	TPWD
Russ Draves	AEP
David James	TCEQ/SBEA
Alicia Reinmund	LCRA
Isabelle IP	Lyondell/TCC
Ylda Pireyo	SARA
Rebecca Cobb	City of Austin
Sara Burgin	Baker Botts
Chris Pasch	Alan Plummer Associates
Tom Weber	TCEQ
Jay Bragg	BRA
Janelle Taylor	TPWD
David Hamm	TXDOT
Mahendra Mohite	Malcolm Pirnie, Inc.

Jim Duke
Ervin Thomas
James Grimm
John Brock
Mark Lowry
Susan Karlins
Susan Meckel
Cindy Smiley
Isaac Jackson
Jennifer Dorsey
Steve Blackhurst

Self
Texas Chemical Council
Texas Poultry Federation
Southwest Water
TC & B
City of Houston
LCRA
Kelly Harr & Hallmas
TCEQ
CDM
Aqua Texas