

**Water Quality Advisory Work Group
Meeting Summary
June 7, 2005**

Welcome and Introductions - Mark Fisher

**Electronic Submittal of Discharge Monitoring Reports - TCEQ's Plans - Greg Nudd
(Handout #1)**

- STEERS - web-based system that enables regulated community to securely submit reports electronically to TCEQ
- STEERS-eDMR will be program to allow for electronic submittal of Discharge Monitoring Reports
- This system will leverage existing STEERS infrastructure for security, authentication, authorization and record keeping
- Will build on lessons learned from eDMR systems in other states
- Will allow online submittal of DMRs through web forms
- Allows upload of DMR data from the customers' computers
- Secure authenticated submittals using same STEERS system that regulated community already uses
- Verification and validation of DMR data prior to submittal
- Electronically signed DMR will be stored as Copy of Record with all the data, user name and email address of the submitter and the time and date of submission
- An optional feature would be corrections to eDMRs already submitted to the agency
- Future options might include a version of STEERS-eDMR for TCEQ staff to use for entry of paper DMRs
- Might also allow for electronic submittal of state-only monthly effluent report (MERs)
- Project has been approved by TCEQ's Information Technology Work Group
- Project manager has been selected and an internal project team has been formed
- July 15, 2005 is target completion date for the Software Requirements Specification document
- STEERS-eDMRs projected to be complete and available to users March, 2006
- Contact Jessica Ogle @(512)239-6849 or Greg Nudd @(512)239-1247 if you want to participate or need more information

Legislative Update - Darrell Williams (Handout #2)

- There were 46 pieces of legislation that concerned the Water Quality Division.
- Five pieces were passed by both House and Senate and sent to Governor Perry for signature.
- Unless these bills are vetoed, they will pass into effect whether they are signed or not.
- **SB1297** - Relating to the elements of the criminal offense of discharging used oil into water in the state
 - ▶ Section 7.147(a) of the Water Code is amended so that it is not a criminal offense

to discharge used oil into water in the state if the concentration of the used oil in the water in the state is less than 15 parts per million and if the discharger is authorized to discharge storm water under a general permit issued under Section 26.040

- ▶ Section 7.176(a) of the Water Code is similarly amended so that it is not an offense to discharge used oil into a sewer, septic tank, surface water, groundwater, watercourse, or marine water if the concentration of used oil in the waste stream is less than 15 parts per million and if the discharger is authorized to discharge storm water under a general permit issued under Section 26.040
 - ▶ There would be no impact to the Water Quality Division from this proposed legislation.
- **SB 1354** - Relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program in a certain portion of the Brazos River watershed; providing penalties.
 - ▶ Bill proposes to establish specific permitting and enforcement programs to a specific area of the Brazos River Basin between Possum Kingdom Reservoir and the Parker/Hood County line
 - ▶ Bill develops a pilot permitting program from 2005 to 2025 requiring:
 - * Issuance of individual permits to quarries located within one mile of a water body or within the 100-year flood plain in this watershed
 - * Issuance of a general permit for quarries located outside the one mile distance in this watershed
 - * A prohibition on new quarries or expansions of existing quarries located within 1500 feet of a water body in this watershed
 - ▶ Permit applications for quarries affected by the bill require submittal of:
 - * A restoration plan to restore conditions from unauthorized discharges
 - * Evidence of sufficient funded bonding or proof of financial resources to mitigate effects on water bodies from unauthorized discharges
 - ▶ Bill requires development and submittal of an implementation report on December 1, 2006 and additional reports on the following even numbered years
 - ▶ Bill also requires TCEQ, Texas Parks and Wildlife Department and Brazos River Authority to cooperate in conducting semi-annual water testing and visual inspections from the surface and the air in the affected watershed
 - ▶ Bill establishes specific enforcement requirements applicable to quarries in this watershed
 - ▶ The impact of the bill to the Water Quality Division would be that the Division would have to develop individual permits for quarries in the affected watershed.
 - ▶ The Division would also be required to participate in the development of reports on even numbered years, including coordination with other areas of the agency in development of the reports.
 - ▶ The Division may be required to develop a new general permit for quarries in this watershed
- **SB 1707** - Relating to the regulation of poultry facilities

Bill proposes to:

- 1) add a new definition for a liquid waste handling system under Section 26.301 of the Water Code
 - 2) amend Section 26.0286 of the Water Code to exempt dry poultry operations from the sole-source protection zone requirements;
 - 3) amend Section 26.302 of the Water Code to authorize the State Soil & Water Conservation Board to certify a water quality management plan for poultry operations that are required to obtain a water quality permit but do not use a liquid waste handling system,
 - 4) reinforce that the bill does not affect the Commission's authority to enforce against unauthorized discharges, and
 - 5) add a new section under Section 201.026(e) of the Agriculture Code to clarify that the proposed 26.302 (b-1) of the Water Code applies to a water quality management plan that is either developed or certified for use by a poultry facility.
 - ▶ The impact on the Water Quality Division would be the participation in rulemaking activities (Memorandum of Agreement between the Soil Board, TCEQ, CAFO general permit and Subchapter B) and the revision of the permitting activities to implement the statute.
 - ▶ MOA revision would acknowledge the Soil Board's authority to provide services to poultry facilities defined as point sources which do not use a liquid waste handling system.
 - ▶ The CAFO general permit and Subchapter B would need to be revised to delete the applicability of the sole-source requirement.
- **SB 1281** - Relating to the regulation and permitting of a commercial industrial solid waste facility connected to a publicly owned treatment works facility
 - ▶ Bill proposes to add Section 361.0901 in Subchapter C, Chapter 361 of the Health Safety Code. The bill:
 - * Defines a publicly owned treatment works, a captured facility, and a commercial industrial solid waste facility
 - * Prohibits a commercial industrial solid waste facility from discharging into a publicly owned treatment works facility without first obtaining a permit from the commission issued under Chapter 361 or Chapter 26 of the Water Code
 - * Directs the TCEQ to adopt implementing rules no later than February 1, 2006
 - * Directs a commercial industrial solid waste facility not to accept industrial solid waste on or after June 1, 2006, unless the facility obtains a permit as required by the proposed Section 361.0901
 - ▶ The impact to the Water Quality Division is that the bill indicates that the commission shall adopt rules to implement this legislation by February 1, 2006. This has the potential to be a new permitting program for the Water Quality Division that would require the commission to develop rules for obtaining a permit to discharge to a POTW.

- **SB 2651** - Relating to the regulation of subsurface area drip dispersal systems by the TCEQ
 - ▶ A new Chapter 32 would be created in the Texas Water Code establishing a specific permitting program for certain processed commercial, industrial, or municipal waste being disposed of by subsurface drip application
 - ▶ Bill proposes to add Subtitle D (relating to Water Quality Control) of the Texas Water Code, Chapter 32, Sub-Surface Area Drip Dispersal System.
 - ▶ Bill directs commission to complete rulemaking by July 31, 2006 to implement the legislation and exempts a person from holding a permit under this new chapter until November 1, 2006
 - ▶ Impact to the Water Quality Division would be draft revisions to Chapter 305 (Consolidated Permits), Chapter 309 (Domestic Wastewater Effluent Limitation and Plant Siting), and Chapter 317 (Design Criteria for Sewerage Systems) to implement requirements in the legislation for subsurface drip irrigation systems.

Storm Water General Permit Update - David Waterstreet

- TXR040000 - Phase II MS4s - Authorizes discharge of storm water from small MS4s located in urbanized area
 - ▶ Draft permit revised to meet requirements of decision by 9th US Circuit Court which partially remanded the Federal Phase II rules.
 - ▶ Briefings conducted through the E.D.
 - ▶ Briefings being offered to Commissioners
- TXR050000 - Multi Sector General Permits - authorizes discharge of storm water associated with industrial activities from a wide range of industrial facilities
 - ▶ Timeline has been initiated and development of the upcoming 2006 amendment/renewal in the process
 - ▶ First round of briefings will begin soon
 - ▶ Currently on desk for peer review, will review within 2 weeks
 - ▶ Current permit expires 8/20/2006
- TXG110000 - Discharges from Concrete Production - Concrete Batch Plants - Authorizes discharge of facility wastewater, contact storm water, and storm water associated with industrial activities from ready-mixed concrete plants, concrete products plants, and their associated facilities (concrete block and brick, dry mixture concrete, concrete pipes)
 - ▶ Draft permit approved by EPA
 - ▶ Published in Texas Register May 20
 - ▶ Current permit expired
- TXG130000 - Aquaculture - Authorizes discharge from concentrated aquatic animal production facilities and other facilities that raise aquatic species using ponds, lakes, tanks or raceways
 - ▶ Response to comment currently undergoing review by legal team
 - ▶ If significant revisions are made, permit will be sent to EPA for 30-day review
 - ▶ Permit will then be set on Agenda for adoption
- TXG340000 - Petroleum Bulk Storage Stations and Terminals - Authorizes discharge of facility wastewater, contact storm water, and storm water associated with industrial

activities from petroleum bulk storage stations and terminals

- ▶ Draft permit approved by EPA
- ▶ Published in Texas Register May 20
- ▶ Current permit expired July 26, 2004
- TXR15000 - Phase II Construction Storm Water - Authorizes discharge of storm water from construction sites
 - ▶ Storm Water team is currently receiving approximately 1,100 NOIs per month
 - ▶ Permit expires 3/2008
- TXG670000 - Hydrostatic Testing - Authorizes discharge resulting from the hydrostatic testing of vessels (pipelines, tanks, and other containers)
 - ▶ Issued April 15, 2005
 - ▶ Will be posted on the TCEQ website in the near future - currently posted on TNRCC website
 - ▶ Expires 4/10
- TXG830000 - Water Contaminated by Petroleum Fuel or Petroleum Substances - Authorizes discharge of water contaminated by petroleum fuel or petroleum substances
 - ▶ Accepting and processing NOIs
 - ▶ Expires 10/07

Sludge Update - Beth Fraser

- Currently working on rule revisions
- Public comment ended June 9, 2005
- Working on response to comments
- Adoption will be proposed in October or November
- Requirements already being implemented as of 9/2003
- Other revisions include changing billing timeframes and additional definitions
- HB 2546 requires quarterly reporting
- Collecting information for quarterly reports to be posted on the website
- There are 16 sites currently doing quarterly reports
- Beneficial Land Use - 70 sites - Class B sludge requires facility to follow HB1546
- 26 municipal facilities with Municipal permit also doing Class B sludge applications
- There are currently 70 Domestic Septage registrations
- 70 Water Treatment facilities will continue to operate under registrations
- Rule revisions implement new requirements
- Renewals for municipal permittees doing Class B will have new notice requirements, fees, etc
- Sludge team is working with Municipal team on applications already received.

Nutrient Criteria Development Advisory Work Group Update - Sidne Tiemann

- The group met last April and will be meeting again on July 12, 2005
- TWCA presented results of the uses study
- USGS presented information on reservoir groupings and trends analysis
- TPWD gave presentation on inland fisheries data, how it is used, and how

- antidegradation could be used in developing criteria
- TCEQ presented the work group with list of least impacted of reservoirs and calculated criteria
- Staff looking at 95 and 99 confidence interval and how to use data to set criteria
- Advisory group was asked to list reservoirs they were concerned with for TCEQ to look at in the future
- Currently performing quality assurance on relational database and criteria calculated by USGS

WET Testing - Lynda Clayton (Handout #3)

- EPA issued draft last December focusing on National consistency in WET programs
- TX WQ Standards have narrative statement that says “ No toxic discharges in toxic amounts”
- New draft guidance will reiterate technical support document and other existing WET guidance and documents
- Proposing different ways to calculate reasonable potential determination for toxicity (screened like all other permit chemical parameters)
- Looking at 5 year history of the facility - if not enough testing, results could be skewed and additional testing may be required
- Three potential results - Outcome of Process
 - ▶ Monitoring
 - ▶ No clear definitive result of BPJ
 - ▶ WET limit (ould be result of sublethal effects)
- WET - screening mechanism - could get automatic enforceable limit up front
- Possible impact to biomonitoring facilities
- EPA says that 20-30% would get WET limit

Next Meeting - Date and Topics

- The next quarterly meeting of the Water Quality Advisory Work Group will not be held due to the **Water Quality Seminar** that will be held September 15-16. Watch for more details on the TCEQ website.

Water Quality Advisory Work Group
June 7, 2005
Attendee List

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|-------------------|-------------------------------|
| Lial Tischler | Tischler/Kocerek |
| Pat Radloff | TPWD |
| Mel Swoboda | Dupont/TCC |
| Mary Vann | SRA |
| Casey Cords | Performance Pipe |
| Jim Duke | |
| Mark Lowry | TC & B |
| Allen White | USFWS |
| Greg Nudd | TCEQ |
| Mistie Saul | BRA |
| Kyle Headley | BRA |
| Rob Trippet | TPWD |
| Janelle Taylor | TPWD |
| Becky Demeter | Motiva |
| Liz Ray | Motiva |
| Jimmie Rodriguez | TPWD |
| Chris Herrington | City of Austin |
| Emily Young | City of Austin |
| Mark Fisher | TCEQ |
| Sara Burgin | Baker Botts |
| Jim Dobberstine | Galveston Bay Foundation |
| Richard S. Talley | City of Fort Worth |
| Ronald R. Edwards | AmeriMex Motors |
| Susan Karlins | City of Houston |
| Kathleen Ramsey | H-GAC |
| Isabella Ip | TCC/Lyondell |
| Mike Tomme | LCRA |
| Rebecca Cobs | City of Austin |
| Carol Batterton | Water Environment Association |
| John Brock | Southwest Water |
| Jessica Ogle | TCEQ/eDMR |
| Mary Etter | LCRA |
| Jay Bragg | BRA |
| Chris Linendoll | TCEQ |
| Beth Fraser | TCEQ |
| David Waterstreet | TCEQ |
| Rebecca Reeves | SARA |
| Alejandra Salazar | TPWD |
| Russ Draves | AEP |
| Michelle Harris | TCEQ/Enforcement Division |
| L'Oreal Stepney | WQD |

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|--------------------|------------------------|
| John T. Dupnik | BSEACD |
| David T. Villareal | TDA |
| Alicia Reinmund | LCRA |
| Cindy Smiley | Kelly, Hart & Hallman |
| Melissa Galid | TXDOT |
| Isaac Jackson | TCEQ |
| Raika Hammond | Texas Municipal League |
| Michael Beatty | TCEQ |
| Sidne Tiemann | TCEQ |
| Michelle Smith | Lloyd Gosselink |
| Stacey Allison | Lloyd Gosselink |
| Mark Pearson | CRF |
| Cindy Contreras | TPWD |
| Steve Watters | Freese & Nichols |
| Sam Jones | AWBD |
| Gregg Tieken | CPS Energy |
| Raj Bhattarai | City of Austin |
| Dan Eden | TCEQ |