

Texas Commission on Environmental Quality
WATER QUALITY ADVISORY WORK GROUP (WQAWG)
Meeting *

April 19, 2016, 1:30 p.m.
Building E, Room 201S

Meeting Summary

All information presented in this document is a compilation of TCEQ staff notes and is not a transcript of the meeting; inadvertent errors and/or unintentional omissions of information may exist in this document. Any information cited should be verified by the user.

Moderator

Chris Linendoll

Welcome and Introductions

General Permit (GP) Updates:
Aquaculture TXG130000

Laurie Fleet

Notes:

On March 10, 2016 the commission adopted a renewal with amendment of the Aquaculture General Permit TXG130000, which authorizes discharges into or adjacent to water in the state by aquaculture facilities and certain related activities. The fact sheet contains additional information about the issued permit. Permittees, except Level I, that are currently authorized under the previous general permit must submit a Notice of Intent prior to July 17, 2016.

Concrete Batch TXG110000

Laurie Fleet

Notes:

The TCEQ is proposing to renew the Ready Mixed Concrete General Permit TXG110000, which authorizes the discharge of facility wastewater, contact stormwater, and stormwater associated with this industrial activity. The current general permit expires on November 7, 2016. The fact sheet contains additional information about the draft permit. The comment period ended on February 22, 2016. The commission is expected to take action on this permit in October 2016.

Pesticide TXG870000

Laurie Fleet

Notes:

The TCEQ is proposing to renew the Pesticide General Permit TXG870000, which authorizes the discharge of pesticides for the control of mosquitoes and other insects, vegetation and algae, animal pests, area-wide pests, and forest-canopy pests. The current general permit expires on November 2, 2016. The TCEQ is currently developing the draft permit.

Petroleum Bulk Storage TXG340000

Laurie Fleet

Notes:

The TCEQ is proposing to renew the Petroleum Bulk Stations and Terminals General Permit TXG340000, which authorizes the discharge of facility wastewater, contact stormwater, and stormwater associated with industrial activities from petroleum bulk stations and terminals. The current permit expires on October 24, 2017. The TCEQ is currently developing the draft permit.

Program Updates:

Stormwater Multi-Sector General Permit Renewal

Lindsay Garza

Notes:

The TCEQ is proposing to renew the Multi-Sector General Permit (MSGP) TXR050000, which authorizes the discharge of stormwater associated with industrial activity. The current MSGP expires on August 14, 2016. The fact sheet contains additional information about the draft permit. The comment period ended on November 16, 2015. The commission is expected to take action on this permit on July 6, 2016.

EPA MS4 Phase II Remand Rule (Proposed)

Hanne Nielsen

Notes:

- EPA is proposing to make changes to the small MS4 General Permit federal regulations (published notice in **Fed. Reg. on Jan 6, 2016**)
- The proposal results from a lawsuit against EPA in 2003
- EPA's proposal would revise the regulations to ensure that
 - states determine the adequacy of BMPs and permit requirements
 - states provide public notice and opportunity for public to request a public hearing
 - No new substantive requirements for small MS4s
- The proposed rule discusses three options for addressing the remand rule:

One option - Traditional General Permit Approach

- The process for issuing small MS4 general permits would correspond with the way NPDES general permits are issued for other type of discharges.
- Prescriptive general permit
- States would add all requirements to GP that MS4s must meet to reduce pollutants to the MEP and to protect water quality.
- The GP would be subject to public notice and comment and an opportunity to request a hearing.

A second option - Procedural Approach – (Similar to Texas)

- EPA would add procedural requirements to the existing rule structure.
- MS4s would inform states in its Notice of Intent of the BMPs it will implement through its SWMP to meet the requirements of the GP.
- States will review each NOI and SWMP and ensure it has BMPs and conditions necessary to comply with the requirement to reduce pollutants to the MEP and to protect water quality.
- Allows for flexibility in permits
- States provide the public with an opportunity to comment on the proposed authorization and to request a hearing.

A third option - State Choice Approach

- States would choose between the two approaches or implement a combination of the two to issue an authorize coverage under a GP.

Comments are due to EPA - **March 21, 2016.**

TCEQ review the rule to provide comments

Implementation Procedures Revisions

Gregg Easley

Notes:

Proposed changes to IPs include:

- Whole Effluent Toxicity (WET) reasonable potential determination are being updated in accordance with a December 28, 2015 letter from EPA accepting TCEQ's process for determining reasonable potential.
- Updates to dechlorination requirements for minor municipal discharges.
- Variance procedures- EPA wants the TPDES permit to state what the final effluent limit would be if the site-specific variance request were not approved. This is already done in practice, but not spelled out in the IPs. This **may** be added to the 2017 IPs.
- Thermal Evaluation Strategy for permits with temperature limits higher than segment criteria.
- Updates to critical low-flow (7Q2) and harmonic mean (HM) flow data for classified segments.
- Updates to classified segment ambient water quality values.
- Supporting information for 316(b) rule implementation. This may take longer than the expected 2017 date for this IP revision.
- Updates to endangered species.
- Updates to MALs.
- pH screening procedures entities that discharge directly to a classified segment.
- Correcting errors/Commissions in current IPs.

Please submit stakeholder comments to Outreach@tceq.texas.gov or ipcommnt@tceq.texas.gov

Thermal Procedures Development

Gregg Easley

Notes:

The Texas Commission on Environmental Quality (TCEQ) hosted a public stakeholder meeting to continue discussions on the development of temperature screening procedures for use in Texas Pollutant Discharge Elimination System (TPDES) permits. Since earlier stakeholder meetings in 2014 and 2015, the TCEQ sent draft, high-level procedures to and received comments from EPA Region VI. Currently stakeholders are reviewing the Temp DO Criteria Final Report and the Texas Tech University technical report. As soon as EPA sends their comments on the current proposal with strike through notes a copy will be posted on the website

[https://www.tceq.texas.gov/waterquality/standards/WO_std#ThermalProceduresStakeholder Meeting](https://www.tceq.texas.gov/waterquality/standards/WO_std#ThermalProceduresStakeholderMeeting). Stakeholders please review and submit comments on Temp DO Criteria and the revisions to the draft procedures in response to EPA comments.

Rule Updates:

City of Austin Petition

Laurie Fleet

Notes:

On March 14, 2016, we received a petition from the City of Austin requesting that the commission initiate rulemaking to amend 30 Texas Administrative Code (TAC) Chapters 222 and 309. The proposed rules would allow permittees and applicants to rely on the beneficial reuse of treated wastewater when calculating the size of effluent storage and the amount of land required for disposal of wastewater. This would allow permittees and applicants to reduce the effluent storage size and dedicated land application acreage that are currently required by rule. The commission is expected to take action on this petition on May 11. Backup material will be available April 22.

SB 912: Accidental Discharges and Spills Rule

Laurie Fleet

Notes:

The bill allows single, accidental discharges or spills of treated or untreated domestic wastewater that occurs at a wastewater treatment facility or collection system owned or operated by a local government to be reported as a monthly summary to the TCEQ when the following conditions are met:

- The spill volume is 1,000 gallons or less,
- It is not associated with another accidental discharge or spill,
- It is controlled or removed before entering water in the state,
- It does not adversely affect a public or private source of drinking water,
- It will not endanger human health or safety or the environment, and
- It is not otherwise subject to local regulatory control and reporting requirements.

The bill requires the owner or operator of the facility to use standard method(s) established by TCEQ for calculating the volume of an accidental discharge or spill.

The draft rule was published in the Texas Register on February 5th. The commission is expected to take action on this rulemaking on May 11. Backup material will be available April 22.

HB 1902: Graywater Reuse

Laurie Fleet

Notes:

- The bill creates a new regulatory program for “alternative onsite water” which the bill defines as "rainwater, air-conditioning condensate, foundation drain water, storm water, cooling tower blowdown, swimming pool backwash and drain water, reverse osmosis reject water, or any other source of water considered appropriate by the commission."
- The bill requires TCEQ to develop minimum standards for both the indoor and outdoor use of treated graywater and alternative onsite water. The standards must:
 - allow the use of graywater and alternative onsite water for toilet and urinal flushing;
 - establish minimum treatment requirements; and
 - ensure these uses don't create a nuisance, threaten human health, or damage surface and groundwater quality.
- The bill allows an adjustment in the size of an on-site sewage disposal system when used in conjunction with a graywater system.
- The bill provides authority for TCEQ to develop rules for the inspection and annual testing of graywater and alternative onsite water systems, which is optional.

We are currently finalizing the draft rule. We plan to request permission to publish the draft rule for public comment at the commissioner's meeting on July 6. Backup material will be available on June 17.

HB 2031: Marine Seawater Desalination

Laurie Fleet

Notes:

Water Quality

- The bill requires TCEQ to adopt an expedited permitting process for discharge permits for treated marine seawater and waste from desalination marine seawater into the Gulf of Mexico. An expedited permitting process will be established as follows:
 - For treated seawater discharges into a stream or impoundment and desalination wastewater discharges into the Gulf within 3 miles offshore: public notice, public comment, opportunity for public meeting, and opportunity for contested case hearing.
 - For desalination wastewater discharges into the Gulf >3 miles offshore: public notice and public comment only. No opportunity for public meeting or contested case hearing.
- The discharge of desalination wastewater into bays and estuaries is prohibited under the expedited permit process but may still be permitted under Texas Water Code Chapter 26.
 - Discharge Zones in the Gulf:
 - TPWD and GLO will develop recommended discharge zones in the Gulf by 2018.
 - TCEQ will adopt rules for discharge zones by 2020.
 - Prior to 2020, a person must consult TPWD and GLO regarding the discharge point prior to submitting a wastewater discharge application to TCEQ.
 - After 2020, all discharges of desalination reject water into the Gulf must be within the established discharge zones.

There are other components to the bill that affect Water Rights.

We plan to request permission to publish the draft rule for public comment at the commissioner's meeting on May 11. Backup material will be available on April 22.

Federal Electronic Reporting Rule

Laurie Fleet

Notes:

This federal rule, which was effective Dec. 21, 2015, requires NPDES regulated entities to electronically submit permit and compliance monitoring information instead of using paper, unless an electronic waiver request is requested and approved. Electronic reporting is required for:

- Discharge Monitoring Reports (DMRs);
- General Permit Applications (Notice of Intent, Notice of Change, Notice of Termination, etc.); and
- Periodic Reports (annual reports, quarterly reports, etc.).

The rule will be implemented in two phases over a 5-year period.

Timeline

- Dec. 21, 2016: Complete implementation of Phase I
 - Collect DMR data electronically
 - Share compliance monitoring, violations, enforcement actions electronically with EPA
 - TCEQ must submit its Implementation Plan for Phase 2 to EPA
 - Waiver Process:
 - States must explain their waiver criteria (e.g., factors used) in the Implementation Plan
 - States must receive a request from regulated entity before granting a temporary waiver unless the GP waives all entities authorized under the GP
 - Temporary waivers can be issued for a 5 year period
 - Permanent waivers do not expire
- Dec. 21, 2020: Complete implementation of Phase II
 - Electronically collect and submit to EPA GP Reports (NOI, NOE, NOT, LEW) and Periodic Reports (CAFO, MS4, PT, Muni. w/o PT, SSO/Bypass, and 316(b)).

We have updated the boilerplate language in TPDES permits to require permittees to submit DMRs electronically by December 21, 2016.

Meeting adjourned