

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

January 21, 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

Gregg Easley

Welcome and Introductions

Program Updates:

Whole Effluent Toxicity & Reasonable Potential Determination **Michael Pfeil**

Notes:

The EPA and TCEQ came to an agreement on how reasonable potential would henceforth be determined for WET testing. The proposed methodology was outlined by the TCEQ in a letter sent electronically to the EPA, dated December 28, 2015. That same day, EPA approved the methodology in a letter dated December 28, 2015, and sent electronically. Henceforth, one or two failures in the past three years by a single species would require that a three-year permit be issued with accelerated testing pending additional failures. Three or more failures in the past three years by a single species would require a WET limit. No failures would result in a standard five-year permit with WET monitoring but no additional requirements.

Rule Updates:

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 approved for publication yesterday and will be published in the Texas Register on February 5th.

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
 - assure 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 requesting permission to post the draft rule on the web for stakeholder input in February. If approved the draft will be posted on the following website:

<https://www.tceq.texas.gov/permitting/wastewater/graywater/>

Use the search function on the TCEQ homepage to search for graywater. It will be the first page in the results.

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. The rule team is finalizing the draft rule which is expected to go to proposal agenda in May 2016.

Chapter 217 Rule Revisions Update

Laurie Fleet

Notes:

On July 11, 2011, a petition for rulemaking was filed to amend 30 TAC Chapter 217 to include design criteria for rehabilitation of existing manholes, lift stations, and other wastewater treatment plant structures. The commission approved the initiation of rulemaking.

The rule was effective on December 4, 2015. Facilities have until June 1, 2016 to submit plans and specifications under the requirements of the previous version of the Chapter 217 rules

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 boiler plate language in TPDES permits to require permittees to submit DMRs electronically by December 21, 2016.

Aquaculture GP Renewal

Laurie Fleet

Notes:

The TCEQ is proposing to renew the Aquaculture General Permit TXG130000, which authorizes discharges into or adjacent to water in the state by certain concentrated aquatic animal production facilities, aquatic animal production facilities, and other activities related to the propagation or rearing of aquatic species through the use of ponds, lakes, fabricated tanks and raceways, or other similar structures. The current Aquaculture General Permit expires on April 18, 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 March 3, 2016.

Stormwater Multi-Sector General Permit Renewal

Lindsay Garza

Notes:

Introduction to MSGP - issued August 14, 2011 and expires August 14, 2016

- Renewal process began October 2014
- Requested comments internally
- Stakeholder meeting held January 8, 2015, comment period ended January 23, 2015
- Revisions to permit include:
 - Deicing federal rule language
 - BMR analysis
 - Lower Ammonia Nitrogen from 2.5 to 1.7 mg/L for specific sectors and SIC codes
 - Lower BOD from 30 to 20 mg/L, Sector T, Treatment Works
 - Lower TSS from 100 to 50 mg/L for specific sectors and SIC codes
 - Minor proposed changes, such as:
 - SIC code and sector format
 - Changes to some section titles, such as Part IV, Section A.3. from “Pollution Prevention Team”, to “Investigations of Benchmark Exceedances” to clarify the content of this section
 - Revised the list of benchmark pollutants and parameters to include required sectors
 - Clarifications, such as:
 - How to document no discharge for BMRs
 - Sector P, Land Transportation and Warehousing, pertaining to storage of crude oil , when they are under EPA or TCEQ jurisdiction
 - Benchmark sampling periods
 - Added reference to Texas Integrated Report Index of Water Quality Standards
 - Added definitions, such as:
 - Infeasible”, “Pollutant(s) of Concern”, and “Benchmark”.
 - Deicing definitions
- Draft permit sent to internal Agency programs on April 28, 2015, few internal comments received
- Briefed Deputy Director in May 4, 2015, gave her approval to move to EPA
- Draft permit was sent to EPA for review on May 8, 2015; EPA review response letter received August 12, 2015, no objections
- Draft permit published in Texas Register in 6 newspapers on October 16, 2015:
 - Houston, Dallas, San Antonio, Amarillo, El Paso, McAllen

- Presented on the MSGP at 2015 EPA MS4 Conference in Hot Springs, AR on 10/21/15
- 30 day comment period from October 16 - November 16, 2015, public meeting held in TCEQ Agenda Room at 1:30 pm , 30 attendees, 60 formal comments received
- Working on Response to Comments (RTC) will have complete by mid-March to April
- Will go to Commissioners Agenda for adoption on July 6, 2016

Meeting Adjourned