

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

October 18, 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

**General Permit (GP) Updates:**  
**Concrete Batch TXG110000**

**Laurie Fleet**

**Notes:**

The TCEQ is renewing and amending the Concrete Batch General Permit TXG110000, which authorizes the discharge of facility wastewater, contact stormwater, and stormwater associated with this industrial activity from concrete production facilities. The current general permit expires on November 7, 2016. The commission agenda for adoption is October 19, 2016.

Renewal period is from Nov. 7 - Feb 5. Do not submit Renewal prior to Nov. 7. TCEQ has developed an epermits module for this GP. Encourage everyone to use epermits for the renewal. Epermits will be required beginning Sept 1, 2017.

**Pesticide TXG870000**

**Laurie Fleet**

**Notes:**

The TCEQ is renewing and amending the Pesticide General Permit TXG870000, which authorizes the discharge of pesticides into, over, or near waters of the US. The current general permit expires on November 2, 2016. The commission is expected to take action on this permit October 19, 2016.

Renewal period is from Nov. 2 - Feb 1. Do not submit Renewal prior to Nov. 2.

**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 draft permit was submitted to EPA for review on Aug. 4. They have until Nov. 4 to submit comments.

**Program Updates:**

**Stormwater Construction General Permit Renewal**

**Lindsay Garza**

**Notes:**

- CGP effective March 5, 2013
- expires March 5, 2018
- Renewal process began September 2016

- Stakeholder meeting was held - October 17, 2016
- Accepting comments till November 1, 2016
- Prepare draft permit - November 2017
- Briefings
- Director, Deputy Director, Executive Director, Commissioners
- EPA Review - February 2017
- Public Notice - June 2017
- Public Meeting - July 2017
- Agenda for adoption - February 2018

### **Stormwater Multi-Sector General Permit Renewal**

**Rebecca L. Villalba**

#### **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
- 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
- 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
- Response to Comments (RTC) complete May 6, 2016
- Attended Commissioners Agenda for adoption on July 6, 2016
- Commissioner's approve permit - issued date July 13, 2016
- Permit Effective Date - August 14, 2016

### **Implementation Procedures Revisions**

**Peter Schaefer**

#### **Notes:**

IP revisions are progressing. 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/omissions in current IPs.

**Federal Rule 316b for Cooling Water Intake Structures**

**Shannon Gibson**

**Notes:**

Section 316(b) of the Clean Water Act requires EPA to issue regulations on the design and operation of intake structures, in order to minimize adverse environmental impacts. The goal is to reduce impingement mortality and entrainment of fish and other aquatic organisms at cooling water intake structures (CWISs) used by certain power generation and manufacturing facilities for the withdrawal of cooling water from waters of the United States (WOTUS). EPA published a final regulation to establish Section 316(b) requirements for Phase II (existing) facilities on August 15, 2014 (Final Rule).

TCEQ has scheduled a series of stakeholder meetings to discuss and obtain feedback on TCEQ guidelines for implementing Section 316(b) of the Clean Water Act and future revisions to application worksheets. The next stakeholder meeting is scheduled for November 3, 2016. Agenda items to be discussed are webpage resources, method to demonstrate compliance with the Final Rule. Working meeting with question and answer section. More details are located at

[https://www.tceq.texas.gov/assets/public/permitting/wastewater/industrial/Nov\\_2016\\_Stakeholder\\_Agenda\\_Attendees\\_110316.pdf](https://www.tceq.texas.gov/assets/public/permitting/wastewater/industrial/Nov_2016_Stakeholder_Agenda_Attendees_110316.pdf)

**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 approved rulemaking on May 11. Stakeholder meeting was held Aug 9. Stakeholders have until Oct 28 to submit comments on the proposed language submitted in the petition. Comments should be sent to [Outreach@tceq.texas.gov](mailto:Outreach@tceq.texas.gov), which is on the bottom of today's agenda.

**Federal Electronic Reporting Rule**

**Laurie Fleet**

**Notes:**

The Electronic Reporting Rule requires TPDES permittees to submit DMRs electronically by Dec. 21. The TCEQ NetDMR webpage has helpful demonstrations for how to create a NetDMR account, how to verify your account, and how to enter DMR data. To get the NetDMR webpage, click on Ereporting on the left side of the home page. Select Report thru NetDMR.

Or Request a Waiver: The waiver form (20754) is available on the TCEQ website. To qualify for a waiver, you must meet one of the following: no computer, no internet access, limited internet speed, need additional training, or religious objection to electronic reporting. MSGP permittees will be issued a waiver prior to Dec. 21, as noted by Rebecca Villalba earlier.

## **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.

The proposal was published on 7/22, and we held a public hearing on 8/16. The comment period ended 8/22 and is scheduled for adoption in Dec. 2016.

## **HB 2031: Marine Seawater Desalination**

**Laurie Fleet**

### **Notes:**

- 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. Commission agenda for adoption is scheduled for 10/19.

**Meeting adjourned**