

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

April 18, 2017, 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:
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 approved by EPA on Nov. 7, 2016. Public notice is expected to be published on May 19, 2017 for public comment.

Program Updates:
Implementation Procedures Revisions

Peter Schaefer

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/omissions in current IPs.

Thermal Procedures

TCEQ has received some comments but not many, please submit comments to review. The next scheduled meeting will be July 27, 2017 at TCEQ to facilitate a general discussion among the group on EPA Comments on the Draft Procedures & Draft Revisions based on EPA comments. Other topics will include the discussion of literature survey and final report from Texas Tech and default thermal balance screening. More detail is located at

<https://www.tceq.texas.gov/assets/public/permitting/waterquality/standards/july2017/July-2017-Stakeholder-Agenda-Attend.pdf>

Stormwater Construction General Permit (TXR150000) Renewal Lindsay Garza

Notes:

- CGP regulates stormwater discharges related to construction activities
- Permit was issued March 5, 2013, expires March 5, 2018
- Renewal process began in October 2016
- Stakeholder Meeting held Oct 17th 2016
- CGP draft was given to EPA for 90 day review on 2/20/17
 - Held 5 conference calls with EPA to discuss changes and updates to permit
 - EPA wanted permit to be more clear, specific, and enforceable
 - Changes made:
 - Added definitions, revised language to make requirements more clear.
- Waiting for final EPA response letter due 5/20/17

MS4 Phase II General Permit (TXR040000) Renewal

Hanne Nielsen

Notes:

- The general permit expires on December 13, 2018 and we have started the renewal process.
- TCEQ had a stakeholder meeting on March 21, 2017 to discuss proposed changes to the draft permit. Notes for the stakeholder meeting are available at the Stormwater Stakeholders Group at https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html
- Proposed changes to the draft permit include:
 - Define “Infeasible” and make updates to definitions for construction activity, Waters of the U.S., and Impaired Water Bodies.
 - Make a few clarifications in the section for Impaired Water Bodies. Using “benchmark value” instead of “benchmark”, “Maintenance and operation of decorative ponds”, and “proper disposal of pet waste”.
 - Possibly, lower the benchmark value for stormwater discharges from concrete batch plants under MCM 7 for TSS from 100 mg/L to 50 mg/L to be consistent with the MSGP sector E (Glass, Clay, Cement, Concrete, and Gypsum Products), and the draft CGP TXR150000.
 - Incorporate the NPDES Electronic Reporting Rule effective on December 21, 2015. EPA will start working on tools to accept applications and reports from small MS4s electronically by December 21, 2020.

- Revise the general permit language for consistency with the Remand Rule effective on January 9, 2017. The rule requires small MS4 general permits to be “clear”, “specific”, and “measurable”. States cannot include terms such as “as practically”, “as necessary”, “should”, “permittee is encourage to”, etc.
- Clarify that NOCs are only needed for annexations, if the annexation results in acquiring a population that results in a level change.
- Add a new requirement that once a year, MS4s will check whether an impaired water body within its permitted area has been added to the latest 305(b)/303(d) list.
- Add a new requirement that once a year, MS4s will review the SWMP in conjunction with the completion of the annual report.
- Add a new requirement that if an MS4 has a public website, it will publish the SWMP and annual reports on the MS4’s website.
- Add a new requirement that level 4 MS4s must control the discharge of floatables into the MS4 – similar to the requirements in Phase I MS4 individual permits.
- Add a new requirement that level 4 MS4s must evaluate new and existing flood management project(s) to determine their impact on water quality - similar to the requirements in Phase I MS4 individual permits.
- Time line:
 - April – May: Drafting permit
 - July: Internal reviews
 - August: Management Briefings
 - September – December: EPA review
 - April/May: Public comment period

Application Form Revisions – Core Data

Laurie Fleet

Notes:

The Water Quality Division is in the process of revising ALL of our application forms to remove core data from the forms. Below is a list of core data:

- Applicant and Co-applicant contact information
- Business entity type
- Number of employees
- Tax ID and SOS Charter Number
- Site address, location description
- Site Latitude and Longitude
- County
- SIC Code

From this point forward, the TCEQ Core Data Form (TCEQ-10400) **must be submitted**, for each applicant, **with all application forms**.

Rule Updates:

Federal Rule 316b for Cooling Water Intake Structures

Merrit McKelvy

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).

The most recent stakeholder meeting was held on December 14, 2016. The finalized CWIS Application Worksheets and Instructions have been prepared. Please submit any comments you may have to wgap@tceq.texas.gov or Shannon.Gibson@tceq.texas.gov . Please download the [Industrial Wastewater Technical Report and Completing the Industrial Wastewater Permit Applications \(instructions\)](https://www.tceq.texas.gov/permitting/wastewater/industrial/WO_industrial_permits.html), dated May 31, 2017 at https://www.tceq.texas.gov/permitting/wastewater/industrial/WO_industrial_permits.html

Legislative Update:

2017 Water Quality Division Legislative Update

Laurie Fleet

Notes:

WQD is tracking 2 bills: House Bill 2582 and HB 3618.

House Bill 2582 proposes to amend the Texas Water Code (TWC), §28A.001(1) to add a new exemption to the list of existing exemptions in the definition of "Aggregate production operation" (APO). The exemption would apply to a site at which specialty or terrazzo-type stone is removed or extracted from the earth, the material is produced for commercial sale and used exclusively for decorative or artistic uses, and the horizon that is exposed for current production does not exceed five acres.

House Bill 3618 proposes to repeal TWC §26.0285 which requires, to the greatest extent practicable, that all Texas Pollutant Discharge Elimination System (TPDES) permits within a single watershed contain the same expiration date (known as basin permitting). Additionally, the bill would amend TWC §26.0135(d) to remove language that coordinates submittal of water quality summary reports by river authorities with the existing "basin permitting rules" as currently required under TWC §26.0285.

Meeting adjourned