

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

January 17, 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**

**Gregg Easley**

Welcome and Introductions

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

**Laurie Fleet**

**Notes:**

Adoption was October 19, 2016. The TCEQ renewed 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. Renewal period is from Nov. 7, 2016 - Feb 5, 2017.

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:**

Adoption was October 19, 2016. The TCEQ renewed the Pesticide General Permit TXG870000, which authorizes the discharge of pesticides into, over, or near waters of the US. Renewal period is from Nov. 2, 2016 - Feb 1, 2017.

Epermits will be required beginning Sept 1, 2017.

**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 will be published in June 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 Gordon Cooper**

**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 17<sup>th</sup> 2016
- 60 stakeholder comments received:
  - Requested permit language clarifications and added definitions
  - Many comments received were case-by-case questions that required further information from the specific entity
- CGP draft expected to go to EPA for 90 day review on 2/20/17

## Stormwater Multi-Sector General Permit (TXR050000)

Hanne Nielsen

### Notes:

The general permit was renewed on August 14, 2016, and the period to renew permit coverage ended November 14, 2016. We are still processing paper applications and expect to be done in mid-February.

The MSGP requires that Discharge Monitoring Reports (DMRs) be submitted electronically by Dec. 21, 2016. However, EPA's NetDMR system is not ready yet to receive DMRs from MSGP facilities as is required by the federal electronic reporting rule. Therefore, on Dec. 13, 2016, we sent out a letter to all permittees with active NOI authorizations granting a *temporary* Waiver for electronic DMR reporting which expires on August 31, 2017.

Except for the method of submitting results, there are no other changes in the MSGP related to when the data must be submitted.

## TXDOT MS4 Statewide Permit

Hanne Nielsen

### Notes:

During the 30-day public notice period of April/May 2016 TCEQ received a request for a public hearing. The Commissioners denied the hearing request during the Nov. 16, 2016 Agenda.

The statewide TxDOT MS4 permit was issued on Nov. 30, 2016, and TxDOT is now operating under their new permit. The permit covers all 50+ regulated Phase I and II MS4 areas across Texas.

### Rule Updates:

## Federal Final MS4 General Permit Remand Rule-40 CFR Part 122 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 will 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

EPA states that there will be no new substantive requirements for small MS4s.

The proposed rule discusses three options for addressing the remand rule:

### **One option - Traditional General Permit Approach (EPA provided a strike out version of proposed revisions to small MS4 rules 40 CFR §§122.33 and 122.34)**

- 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 itself would be subject to public notice and comment and an opportunity to request a hearing, but not the individual authorizations.

### **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 for each MS4 based on its local site-specific environmental conditions
- States provide the public with an opportunity to comment on the proposed individual authorizations 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 were due to EPA - **March 21, 2016.**

TCEQ reviewed the rule and provided comments. TCEQ supports option 3 where there is most flexibility for states.

The comments provided by TCEQ are available at TCEQ website at

[https://www.tceq.texas.gov/agency/nc/Water\\_Issues.html](https://www.tceq.texas.gov/agency/nc/Water_Issues.html)

EPA is working on finalizing the language for the final rule, expected to be final Nov. 2016

- EPA held two focused conference calls with states in coordination with the Association of Clean Water Agencies (ACWA) to ask questions and get clarification on some specific items in the rule
- On June 22, 2016, EPA held a closed-in face-to-face meeting in Washington, DC with states to discuss the draft of the final rule. Six states attended the meeting, including Texas.
  - EPA showed the draft final rule to the states in attendance
  - States discussed concerns with the language

### **Federal Final Dental Offices Rule (40 CFR Part 441)**

**David James**

#### **Notes:**

The final rule was signed by the EPA Administrator on December 15, 2016. The TCEQ is waiting for publication in the *Federal Register*.

The final rule creates a new effluent limitations guideline (ELG) in 40 CFR Part 441, Dental Office Point Source Category, Sections §441.10-441.50, that includes Pretreatment Standards for Existing Sources (PSES) and Pretreatment Standards for New Sources (PSNS) for regulated dental offices that discharge into Publicly Owned Treatment Works (POTWs). The final rule requires dental offices that handle dental amalgam to either have or to install amalgam separators/removal devices that meet specific standards; to operate, maintain, and inspect amalgam separators/removal devices; and to implement two best management practices (BMPs) recommended by the American Dental Association which will prohibit the discharge of “scrap” and the use off-line cleaners that may lead to the dissolution of solid mercury when cleaning chair-side traps and vacuum lines. In the final rule a dental office is not considered a significant industrial user (SIU) or a categorical industrial user (CIU) as defined in the General Pretreatment Standards (40 CFR Part 403) unless designated as such by the CA.

The final rule will become effective 30 days after publication in the *Federal Register*.

These dental offices will need to submit a One-Time Compliance Report to Control Authorities (CAs) [POTWs with an approved pretreatment program or to the state where the POTW does not have an approved pretreatment program]. Existing Sources subject to the rule must be in compliance within three years after the effective date of the rule or within 90 days after transfer of ownership or within 90 days of following the discharge into POTWs. New Sources subject to the rule must comply immediately with the standards in the rule. If a dental facility changes ownership or the amalgam separator becomes 10 years old, a new One-Time Compliance Report is required to be submitted to the CA.

POTWs need to begin identifying dental offices in their service area and send them a letter notifying them of the final rule and where to submit the One Time Compliance Report. During the initial research for the proposed rule, EPA identified approximately 6,000 dental offices in Texas that would need to comply with the rule. The TCEQ is in the process of identifying the number of dental offices using more recent data. The TCEQ will initiate rulemaking to adopt this new ELG by reference in 30 Texas Administrative Code, Chapter 305 when the new rule becomes effective.

For additional information, please go to the following link:

<https://www.epa.gov/eg/dental-effluent-guidelines>

**Federal Final Methods Update Rule for the Analysis of Effluent** David James  
(40 CFR Part 136)

**Notes:**

The final rule was signed by the EPA Administrator on December 15, 2016. The TCEQ is waiting on publication in the *Federal Register*. The final rule becomes effective 30 days after publication.

**Summary**

The final rule amends 40 CFR Part 136 for the laboratory testing procedures approved for analysis and sampling under the Clean Water Act and is applicable to wastewater permitting including approved pretreatment programs. The changes include: new and revised EPA microbiological, chemical, radiochemical, and whole effluent toxicity methods; updated versions of currently approved methods; methods reviewed under the alternate test procedures (ATP) program; clarifications to the procedures of EPA approval of nationwide and limited use ATPs; and amendments to the procedure for the determination of method detection limits (MDLs) to address laboratory contamination and to better account for intra-laboratory variability.

The final rule also includes Minimum Levels (MLs) and MDLs for some of the methods proposed. Instead of using the term Minimum Analytical Levels (MALs), a term used in Texas, the final rule uses the term Minimum Level (ML), which is synonymous with “reporting limits,” “quantitation limits,” and “minimum levels.” Some MLs and MDLs in the rule are lower than those in TCEQ’s current *Implementation Procedures for the Texas Surface Water Quality Standards (IPs)*, however some are higher. The rule includes different MLs for the same pollutant depending on the method used.

Historically, 40 CFR Part 136 included only MDLs for the specified analyses in the listed methods; MLs were not historically listed. The rule revision introduces MLs to the following methods: Method 608; Method 624; and Method 625. The establishment of MLs may be deemed by EPA Region 6 as analogous to TCEQ MALs in functionality. The

TCEQ will be reviewing this new rule and update or revise the methods and detection levels in the IPs, as applicable.

For additional information, please go to the following link: <https://www.epa.gov/cwa-methods/methods-update-rule-2016>

### **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).

The most recent stakeholder meeting was held on December 14, 2016. Discussions at the meeting were over Points of Compliance, Draft CWIS Application worksheets and instructions, application submittal dates, and litigation updates. Please submit any comments to [wgap@tceq.texas.gov](mailto:wgap@tceq.texas.gov) Or [Shannon.Gibson@tceq.texas.gov](mailto:Shannon.Gibson@tceq.texas.gov) . More details available at website

[https://www.tceq.texas.gov/permitting/wastewater/industrial/WO\\_industrial\\_permits.html](https://www.tceq.texas.gov/permitting/wastewater/industrial/WO_industrial_permits.html)

### **Federal Electronic Reporting Rule**

**Laurie Fleet**

#### **Notes:**

The Electronic Reporting Rule requires TPDES permittees to submit DMRs electronically after Dec. 21, 2016. 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. All MSGP permittees were issued a waiver in Dec. 2016.

### **HB 1902: Graywater Reuse**

**Laurie Fleet**

#### **Notes:**

- The bill created 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 required 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 allowed an adjustment in the size of an on-site sewage disposal system when used in conjunction with a graywater system.
- The bill provided authority for TCEQ to develop rules for the inspection and annual testing of graywater and alternative onsite water systems, which is optional.

Adoption was Dec. 7, 2016.

**HB 2031: Marine Seawater Desalination**

**Laurie Fleet**

**Notes:**

The bill required TCEQ to adopt expedited permitting processes for the diversion of marine seawater for desalination purposes and the discharge of treated marine seawater and waste from desalination of marine seawater into the Gulf of Mexico.

Adoption was Nov. 16, 2016.

**Meeting adjourned**