

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

July 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

Gregg Easley

Welcome and Introductions

General Permit (GP) Updates:
Petroleum Bulk Storage (TXG340000)

Laurie Fleet

Notes:

The TCEQ is proposing to renew and amend 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 published on May 19, 2017 for public comment. No comments were received. The permit is scheduled for commission agenda on October 4, 2017.

Petroleum Contaminated Water (TXG830000)

Laurie Fleet

Notes:

The TCEQ is proposing to renew and amend the Petroleum Contaminated Water General Permit TXG830000, which authorizes the discharge of water contaminated by petroleum fuel or petroleum substances into or adjacent to water in the state. The renewal with amendments will replace the current permit when it expires on September 12, 2018. The draft permit is currently being drafted.

Program Updates:
Implementation Procedures Revisions

Peter Schaefer

Notes:

IP revisions were discussed as follows:

- 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.
- pH screening procedures. Currently in use. Required of major municipal and industrial facilities that discharge directly to classified segments and that have permit limits for pH that are outside the range found in the Texas Surface Water Quality Standards.
- Dechlorination requirements for minor municipal discharges. This will include facilities of 0.5 MGD or larger.

- Thermal procedures. Procedures to determine compliance with temperature standard. Intended for permits with a thermal component to their discharge. Can use simple model or complex if necessary.
- Updates to classified segment ambient water quality values (Appendix D of IPs) are in process, but not yet complete.
- Updates to critical low-flows and harmonic mean flows for classified segments (Appendix C of IPs) is complete. This includes updates to the description of the table, to clarify how these calculations are derived.
- Updates to endangered species (Appendix B of IPs) have been completed. De-listing of Concho water snake- (Concho River and Colorado River). Listing of smalleye shiner and sharpnose shiner-Brazos drainage area. Listing of Salado Salamander- . There are several mussels species in the central Texas and Rio Grande areas that are proposed for federal listing. There are talks to come up with a conservation agreement to keep them off the list. There are currently no plans to include proposed species in the IPs.
- Updates to Minimum Analytical Levels (MALs). US EPA Methods Update Rule is final. We are in process of determining how to implement this rule in our permitting.
- Errors and omissions are being corrected in current IPs.

Thermal Procedures

Peter Schaefer

Notes:

Thermal procedures are being developed and comments are currently being accepted. Scheduling public stakeholder meetings to continue discussions on the development of temperature screening procedures for use in Texas Pollutant Discharge Elimination System (TPDES) permits. The next stakeholder meeting is scheduled for July 27, 2017. More details located at https://www.tceq.texas.gov/waterquality/standards/WO_stds . Send comments to ipcommnt@tceq.texas.gov.

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.
- EPA Objection letter received 5/24/17
 - Five Objections:

- Add definitions for constructions support activities and thawing conditions
 - Clarify effective date of coverage
 - Clarify compliance obligations for permittees until coverage is terminated
 - Clarify language regarding concrete washout water to be consistent with Construction and Dev ELGs in 40 CFR
 - New sufficiently sensitive test methods
- We addressed EPA comments and EPA withdrew objections on 6/13/17
 - Briefed upper management on 7/11/17 - received approval to publish notice
 - Will publish draft permit in TR on 8/18/17 in 4 - 6 newspapers, still taking bids and deciding which
 - 30 day Public Comment Period begins 8/18/17 and will end on September 18th
 - Public Meeting will be held in Agenda Room on September 18th at 1:30 pm

MS4 Phase II General Permit (TXR040000) Renewal

Hanne Nielsen

Notes:

- This general permit regulates stormwater discharges from municipal separate storm sewer systems that are located in urbanized areas.
- 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 and a list of proposed changes 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:
 - Update the general permit to be consistent with the federal 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.
 - 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. It is still unclear what the tools will look like. A workgroup is scheduled to start fall 2017.
 - 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.

- Clarified that NOCs are only needed for annexations, if the annexation results in acquiring a population that results in a level change or if the newly annexed area discharges to an impaired waterbody.
- 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: Drafted permit
 - July: Internal TCEQ 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 has revised our application forms to remove core data from the forms, with the exception of the Construction General Permit 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

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. 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 most recent meeting was Wednesday, December 14, 2016 at the TCEQ offices in Austin, Texas. The final draft versions of the CWIS Application Worksheets & Instructions were published on the website @ https://www.tceq.texas.gov/permitting/wastewater/industrial/WO_industrial_permits.html on March 24, 2017.

HB 2582: APO Exemption

Laurie Fleet

Notes:

House Bill 2582 amended 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 applies 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.

TCEQ is initiating rulemaking to amend 30 TAC Chapter 342 to add the new exemption. We also plan to make additional revisions to clarify that the chapter only applies to aggregate extraction sites, not aggregate processing sites.

HB 3618: Basin Cycle Repeal

Laurie Fleet

Notes:

House Bill 3618 repealed TWC §26.0285 which required, 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 amended the Texas Water Code (TWC), Section (§) 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.

TCEQ is initiating rulemaking to repeal 30 Texas Administrative Code (TAC) §305.71 which requires basin cycle permitting for wastewater discharges. Repeal of this section will allow wastewater discharge permits to be issued for five year terms. Additionally 30 TAC Chapter 220.4 and 220.6 will be amended to replace cross-references to basin permitting with an established frequency for submittal of water quality summary reports.

Waters of the United States

Laurie Fleet

Notes:

On June 27, 2017, the Environmental Protection Agency, Department of Army, and Army Corps of Engineers issued a press release stating that they are proposing a rule to rescind the Clean Water Rule and recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition of "waters

of the United States" is applied. The comment period for the proposed rule will open following publication of the proposed rule in the Federal Register. The Federal Docket ID No is EPA-HQ-OW-2017-0203.

The agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States". More information is available at www.epa.gov/wotus-rule

Final Federal Rule on Dental Office Pretreatment Standards **David James**

Notes:

The final rule was published in the *Federal Register (FR)* / Vol. 82, No. 113 / Wednesday, June 14, 2017, to create a new Effluent Limitations Guidelines and Standards for the Dental Category.

- Note that a minor revision was published in the *FR* June 26, 2017 to correct the existing source compliance date from June 14, 2017 to June 14, 2027. Another minor revision was published in the *FR* July 5, 2017, to change a citation from §441.20 to §441.30.

40 CFR Part 441 Dental Office Point Source Category, Sections §441.10-441.50, requires dental offices that discharge wastewater into publicly owned treatment works (POTWs), and that place or remove dental amalgam, to:

- Install, operate, maintain, and inspect amalgam separators/removal devices that meet specific standards;
- Implement two best management practices (BMPs) recommended by the American Dental Association; and to submit One-Time Compliance Reports to their Control Authority (CA).

Note that for the regulated dental offices that discharge into a POTW *with* a TCEQ-approved pretreatment program, the POTW is the CA. For the regulated dental offices that discharge into a POTW *without* a TCEQ-approved pretreatment program, the TCEQ is the CA.

The final rule does not categorize regulated dental offices as a significant or categorical industrial user. Therefore, the EPA eliminated the application of specific oversight and reporting requirements such as permitting and annual inspections. However, the CA may choose to apply these requirements to dental offices.

Compliance Dates

After the effective date of the rule, **July 14, 2017**, new sources will have to comply immediately with the standards in the final rule and submit a One-Time Compliance Report (OTCR) to the CA within 90 days of introducing wastewater into a POTW and within 90 days after transfer of ownership.

The compliance date is **July 14, 2020**, for existing sources to be in compliance with the final rule. They must submit a One-Time Compliance Report to the CA no later than October 12, 2020, or within 90 days after transfer of ownership. If they have an existing amalgam separator in place prior to June 14, 2017, they must replace it by July 14, 2027.

The OTCR includes a certification statement to be signed by a duly authorized signatory, such as a corporate officer, general partner, or proprietor of the dental

office. Dental offices or their specified agent or representative have to retain a copy of the OTCR as long as they are in operation or until there is a change in ownership.

The rule does not specify that an OTCR form be developed or submitted. However, the EPA is developing a template that can be used by CAs and tweaked as needed.

Dental offices have to maintain documentation for at least three years that includes inspections conducted as per the manufacturers' recommendation, maintenance and repairs, and details on the shipping of canisters that contain dental amalgam. The documents must be made available for inspection in physical or electronic form.

Updates

1. Amending Title 30, Texas Administrative Code, Chapter 305 to adopt by reference 40 CFR Part 441.
2. Evaluating ways to determine the dental office locations that discharge into POTWs without an approved pretreatment program.
3. Exploring whether the OTCR can be submitted electronically.
4. Proving comments on the EPA OTCR template to the Association of Clean Water Administrators (ACWA) and EPA.
5. Evaluating what changes need to be made to Worksheet 6.0 of the TPDES Domestic Wastewater Permit Application

Discussing ways to conduct public outreach, so POTWs, consultants, and dental facilities can better understand the rule.

Meeting adjourned