

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

Meeting \*

April 17, 2018 @ 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 Contaminated Water General Permit (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 current permit expires on September 12, 2018.

EPA had no comments on our draft permit. We published the public notice on February 9<sup>th</sup> and the comment period ended March 12<sup>th</sup>. The commission is expected to take action on the proposed permit on September 05, 2018.

Livestock Manure Compost General Permit (WQG200000)

Laurie Fleet

**Notes:**

The TCEQ is proposing to renew the Livestock Manure Compost General Permit WQG200000, which authorizes the disposal of wastewater generated from livestock manure compost operations by evaporation or irrigation. **The current permit expires on November 10, 2018.** The TCEQ is currently developing the draft permit.

Stormwater Construction General Permit (TXR150000) 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
- EPA Review - February 2017
- Public Notice - June 2017 (13 newspapers and Texas Register)
- Public Meeting - July 2017
- Agenda for adoption - February 7, 2018
- Draft permit, Fact Sheet, and RTCs are now available for viewing on Commissioner's Corner webpage

**Notes:****Small (Phase II) MS4 General Permit TXR040000**

- 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
- 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](https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html)
- TCEQ sent the draft permit to EPA on August 29, 2017
- TCEQ received an objection letter from EPA on Dec. 4, 2018
- EPA objections include:
  - The permit appears to include language that is not clear, specific and measurable (especially in the impaired WB section)
  - Using the 2-step process from the Remand Rule, it is not clear to EPA if later modification of the SWMP would trigger modification requirements and thereby require public notice.
- TCEQ and EPA had conference calls on Dec. 14, 2017, Jan. 9 and March 14, 2018.
- Time line: 3 months delayed, but our goal is to issue GP on time.
  - April – May 2017: Drafted permit
  - September – December: EPA review
  - Jan. – April, 2018 negotiations with EPA (had extended 3 months past timeline)
  - July: Public comment period – (was moved from April, May)

**Rule Updates:**

30 Texas Administrative Code Chapter 312 Biosolids Rule

Brian Sierant

**Notes:**

Proposed rule changes are underway for the 30 Texas Administrative Code Chapter 312 to provide clarification for the intent of rule requirements. The rulemaking will clarify the intent of existing requirements, remove inconsistencies, and improve readability. The timeline will be approved for drafting the rule. Stakeholders will be notified as soon as the timeline has been approved by the Commissioners.

HB 2582: Exemption of Certain Quarries from the APO Registration 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 currently drafting the rule to amend 30 TAC Chapter 342 to add the new exemption.

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

The commission adopted the rules on March 7<sup>th</sup> and they became effective on March 29<sup>th</sup>.

**Federal Rule Dental Office Pretreatment Standards**

Laurie Fleet &amp; David James

**Notes:**

On June 14, 2017, the Environmental Protection Agency issued technology-based pretreatment standards to reduce the discharge of mercury-containing dental amalgam to publicly owned treatment works. These new regulations are found in 40 CFR Part 441.

TCEQ initiated rulemaking to amend 30 TAC §305.541 to adopt 40 CFR Part 441 by reference. The rule was published in the Texas Register on February 9<sup>th</sup> and a public hearing was held on March 8<sup>th</sup>. The comment period ended on March 12<sup>th</sup>. The commission is expected to take action on the proposed rule on June 27<sup>th</sup>.

**Dental Rule Implementation Update**

1. Developing list of dental offices (that the TCEQ is CA for) to notify of the rule. Current estimates are approximately 3,100 dental office will report to the TCEQ.
2. Finalizing a way for dental offices to determine where to send their one-Time Compliance Reports (OTCRs) and developing a database to track receipt of the OTCRs.
3. Finalizing TCEQ OTCR. TCEQ has made a few additions to EPA’s OTCR template. The form has been modified to make it accessible.
4. Finalizing a notification postcard for dental offices that have to send a OTCR to the TCEQ.
5. Finalizing permanent webpage for dental offices. TCEQ has posted a temporary “Hot” New Wastewater Rules for Dental Offices webpage at <https://www.tceq.texas.gov/permitting/wastewater/pretreatment>
6. The Texas Dental Association is willing to help educate dentists about the rule. TCEQ plans to meet with the Texas State Board of Dental Examiners Board soon to discuss outreach.
7. Waiting for EPA to publish the FAQ for Control Authorities (CAs). After publication, the TCEQ will notify CAs regarding minimum expectations of dental rule implementation in Texas.

**Federal Rule Clean Water Act Analytical Methods Update**

David James

**Notes:**

EPA promulgated changes to analytical test procedures that are used by industries and municipalities to analyze the chemical, physical, and biological

components of wastewater and other environmental samples that are required by regulations under the [Clean Water Act](#). The changes include revised methods published by EPA and, such as ASTM International and the *Standard Methods* Committee. EPA added certain methods reviewed under the [alternate test procedures](#) (ATP) program to 40 CFR Part 136 and clarified the procedures for Agency approval of nationwide and limited use ATPs. Further, EPA revised the procedure for determination of the method detection limit (MDL).

These revisions:

- provide increased flexibility to the regulated community
- improve data quality
- update the methods, to keep current with technology advances
- address laboratory contamination issues related to the MDL and better
- account for intra-laboratory variability.
  - Method Detection Limit - Frequent Questions
  - Definition and Procedure for the Determination of the Method
  - Detection Limit, Revision 2
  - New methods: 608.3, 624.1, 625.1
  - Validation of SPE Products and Associated Procedures with Method 625.1

Final Rule

- Final rule - Federal Register notice (August 28, 2017)  
<https://www.federalregister.gov/documents/2017/08/28/2017-17271/clean-water-act-methods-update-rule-for-the-analysis-of-effluent>
- Fact sheet <https://www.epa.gov/cwa-methods/methods-update-rule-support-documents>
- Documents related to this rulemaking can be found on EPA's docket at regulations.gov. The Docket Number is EPA-HQ-OW-2014-0797.  
<https://www.regulations.gov/docket?D=EPA-HQ-OW-2014-0797>

Background Information

- Proposed Rule - Federal Register notice (February 19, 2015)  
<https://www.federalregister.gov/documents/2015/02/19/2015-02841/clean-water-act-methods-update-rule-for-the-analysis-of-effluent>
- Previous Methods Update Rules - <https://www.epa.gov/cwa-methods/cwa-methods-regulatory-history>
- How to get Methods Approved <https://www.epa.gov/cwa-methods/how-get-methods-approved>

### **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. (Currently in use in permitting)
- 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 TSWQS. (Currently in use in permitting)

- Dechlorination requirements for minor municipal discharges. This will include new and amended permit (where flow is increased) facilities of 0.5 MGD or larger. (Currently in use in permitting)
- 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. Thermal procedures are being developed. The process for determining compliance with the standard follows a simple to complex approach, whereby a simple model or field sampling can be used to show standard attainment. A more complex approach/model is used when necessary to determine if the temperature standard is attained. A stakeholder meeting was held yesterday (Oct 16, 2017). A rough timeline of events was provided and comments were received. TCEQ will be taking comments until November 20, 2017. Final procedures are anticipated in early 2018.
- 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. (Currently in use in permitting)
- Updates to Minimum Analytical Levels (MALs). US EPA Methods Update Rule (MUR) is final. We are in process of determining how to implement this rule in our permitting. We are having internal meetings to be followed by external stakeholder meetings. Although rule is final, we are not yet requiring labs to be compliant with the MUR, until we obtain stakeholder input and provide a compliance period.
- Errors and omissions are being corrected in current IPs.
- Comments from stakeholders:
  - Use of BEF's for dioxin and dibenzofurans (similar to great lakes)
  - Removal of lipid factor in human health criteria calculations

## **Announcements:**

WQAWG Meeting: Tuesday, July 17, 2018

[https://www.tceq.texas.gov/permitting/wastewater/WQ\\_advisory\\_group.html](https://www.tceq.texas.gov/permitting/wastewater/WQ_advisory_group.html)

TCEQ Environmental Trade Fair & Conference will be held May 15-16, 2018 at the Austin Convention Center. Attendee & Exhibitor booth registration is open. For more information view <https://www.tceq.texas.gov/p2/events/etfc/etf.html>

EPA 20th Annual EPA Region 6 Stormwater Conference will be held August 19-23, 2018, in Albuquerque, New Mexico. <http://tamuk-isee.com/conferences/epa2018conference/>

Meeting adjourned