

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

Meeting *

January 31, 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

Gregg Easley

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 will publish the public notice on February 9th

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

MS4 Phase II General Permit (TXR040000) Renewal

Rebecca Villalba

Notes:

- MS4 Phase II GP effective December 13, 2013
- Expires December 13, 2018
- 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.
- 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:
 - o The permit appears to include language that is not clear, specific and measurable (especially in the impaired WB section)
 - o 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.
 - o Some compliance schedules appear to extend the date for final compliance.
- TCEQ and EPA had 2 conference calls so far on Dec. 14, 2017 and Jan. 9, 2018, with more to come. EPA will provide more comments.
- Other issues with EPA include an EPA requirement to publish NOCs in newspaper; we don't want to do this, one possible solution would be to include a link to MS4 webpage in the initial notice

Time line:

- April - May: Drafted permit
- July: Internal TCEQ reviews
- August: Management Briefings
- September - December: EPA review
- Jan. - Mid. Feb, 2018 negotiations with EPA (might extend past timeline)
- April/May: Public comment period
- June - administratively continue current GP if still hung up with EPA

Rule Updates:

30 Texas Administrative Code Chapter 312 Biosolids Rule

Brian Sierant

Notes:

On October 30, 2017, Water Quality Division staff hosted a public stakeholder meeting to discuss rule changes to the Chapter 312 rules for sludge use, disposal and transportation. This rulemaking will clarify the intent of existing requirements, remove some of the inconsistencies, and improve readability. The stakeholder comment period ended on December 15, 2017, and comments were received by 18 different stakeholders mainly ranging from:

- Clarification to prohibit the mixture of sludge with grit and grease trap waste
- Clarify the definition of harvesting to include the act of shredding vegetation
- Applicability of the rules relating to the processing of domestic septage prior to land application
- Rename sludge to biosolids

- Clarify timing of the applicability of buffer zone requirements for existing authorizations
- Increase the 33-foot buffer restrictions from a water body when sludge is incorporated and there is vegetative cover

The sludge program agency webpage has been updated for viewing of the stakeholder comments along with the video of the stakeholder meeting. Currently, staff are evaluating all comments and the Agency proposed rule updates. Some of these items need to be elevated to the office, or upper management level. Once the concept memo is approved by the ED, a timeline for the rule proposal will be posted on our webpage in the future.

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.

HB 3618: Basin Cycle Repeal

Laurie Fleet & Jill Csekitz

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.

Adoption agenda is scheduled for March 7th, with an effective date of March 29th.

Federal Rule Dental Office Pretreatment Standards
James

Laurie Fleet & David

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 is scheduled for publication in the Texas Register on February 9, 2018 and a public hearing is scheduled for March 8, 2018 at 2 pm in the Commissioner's Agenda Rm.

Final Rule

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.

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.

Compliance Dates

Dental dischargers (under any ownership) that were discharging into POTWs prior to July 14, 2017 are "existing sources" and must be in compliance with the standards by July 14, 2020, and submit a one-time compliance report certifying such by October 12, 2020.

Dental dischargers whose first discharge to a POTW occurs after July 14, 2017 are "new sources" and must be in compliance with the standards immediately and submit a one-time compliance report certifying such within 90 days after first discharge to a POTW.

Ownership Transfer

If an "existing source" dental discharger transfers ownership, the new owner must submit a new one-time compliance report to the Control Authority by October 12, 2020, or if the transfer occurs after July 15, 2020, no later than 90 days after the transfer. If a "new source" dental discharger transfers ownership, the new owner must submit a new one-time compliance report to the Control Authority no later than 90 days after the transfer.

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.

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

EPA published a Frequently Asked Questions on the Dental Office Category Rule in November 2017.

EPA plans to publish an FAQ for Control Authorities in the near future.

Update (as of January 31, 2018)

1. Amending Title 30, Texas Administrative Code, Chapter 305 to adopt by reference 40 CFR Part 441. Completed Fiscal Note. On January 24, 2018, the Commissioner's approved publication in the *Texas Register*. There will be a public hearing on March 8, 2018. Comments period ends on March 12, 2018. The estimated adoption date by commission is June 20, 2018
2. 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.
3. Finalizing a way for dental offices to determine where to send their OTCRs.
4. Finalizing TCEQ OTCR. TCEQ has made a few additions to EPA's OTCR template.
5. Finalizing a notification postcard for dental offices that have to send a OTCR to the TCEQ.
6. 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>
7. The Texas Dental Association is willing to help and Texas State Board of Dental Examiners Board to educate dentists about the rule.
8. Waiting for EPA to publish the FAQ for Control Authorities (CAs). After publication, the TCEQ will let CAs know about expectations regarding dental rule implementation in Texas.

Federal Rule Clean Water Act Analytical Methods Update

Rebecca Villalba &
David James

Notes:

The final rule was signed by the EPA Administrator on December 15, 2016, but withheld by the new administration due to the "freeze" memo in January 2017 from being published in the *Federal Register*. The final rule was published in the *Federal Register* on August 28, 2017, and became effective on September 27, 2017.

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 Standard Methods (SM) and American Society for Testing and Materials (ASTM) methods for Inorganics
- Revised three EPA Methods that replace 608 (Pesticides and PCBs), 624 and 625 (volatile and semi volatile organic compounds)
 - 608.3 Organochlorine Pesticides and PCBs by GC/HSD (replaces Method 608)
 - 624.1 Purgeables by GC/MS (replaces Method 624), and
 - 625.1 Base/Neutrals and Acids by GC/MS (replaces Method 625)
- Revised microbiological methods for E. coli and Fecal Coliforms,
- Clarifications and corrections for chemical, radiochemical, and whole effluent toxicity methods
- Clarification that only EPA can approve alternative test procedures

- Amended 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). 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)*, June 2010, RG-194, however some are higher. The rule includes different MLs for the same pollutant depending on the method used.
 - Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor of 3 (*adding the multiplier factor is new in the 2017 MUR*).
 - The rule revision introduces MLs to the following methods: Method 608.3; Method 624.1; and Method 625.1.

Update (as of January 31, 2018)

The TCEQ is developing an implementation plan for the new final rule.

A TCEQ internal workgroup has been formed with representatives from program areas across the agency to look at the impacts of the MUR on:

- TPDES permit applications and permitting,
- TPDES compliance monitoring,
- TCEQ-NELAP accreditation, and
- *Procedures to Implement the Texas Surface Water Quality Standards.*

The TCEQ will seek input on the draft implementation plan from an external workgroup made up of representatives from laboratories, consultants, permitted wastewater treatment facilities. If interested in participation, please send an email to Outreach@tceq.texas.gov. The TCEQ will seek input from interested parties in mid-February and set a meeting date, time, and location.

Additional information will be provided to the regulated community when possible.

For additional information on the 2017 MUR, please go to the following EPA link: <https://www.epa.gov/cwa-methods/methods-update-rule-2017>

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 TSWQS.
- **Dechlorination requirements** for minor municipal discharges that use chlorination for disinfection. This will include facilities of 0.5 MGD to less than 1 MGD. This will include new facilities and facilities proposing amendment(s). Facilities renewing permits will not be included. Permits for facilities discharging 1 MGD or greater will continue to have dechlorination requirements. **Implementing as of 01/31/2018**
- **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. **Next Step. Provide revised draft temperature procedures to EPA for review. If we reach resolution, then we should be able to include in this IP revision.**
- **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. EPA calls them ML's. If it looks like the EPA's MLs may be a moving target, then we may address MALs with a guidance document.
- **Dissolved Solids (TDS)** There has been a big push from EPA to address TDS issues in permits. We are currently in discussion regarding potential changes to TDS procedures and are working with EPA on this.
- **Errors and omissions** are being corrected in current IPs.

Timeline: In the next month or so, we hope to e-mail notification to stakeholder (WQAWG group, etc.) regarding our path forward. May do formal adoption process through Commissioner's Agenda process.

EPA's POTW Nutrient Removal Information Collection Request Gregg Easley

Notes:

EPA is conducting a national study focused on nutrient removal at municipal wastewater treatment plants. The goals of the study are to obtain nationwide data on nutrient removal to help set realistic reduction targets, encourage improved plant performance with less expense, and provide a forum for stakeholders to share best practices. EPA plans to start the study by distributing a screening questionnaire to facilities in early 2018. Participation in EPA's information collection is voluntary.

Announcements:

WQAWG Meeting: Tuesday, April 17, 2018

https://www.tceq.texas.gov/permitting/wastewater/WO_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>

Meeting adjourned