

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

July 16, 2019 @ 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

Welcome and Introductions

Yvonna Miramontes

General Permit (GP) Updates:

Concentrated Animal Feeding Operations GP (TXG920000) Renewal

Joy Alabi, Ph.D.

Notes: The Texas Commission on Environmental Quality (TCEQ) reissued Texas Pollutant Discharge Elimination System / State General Permit Number TXG920000 during its agenda meeting on June 26, 2019. This general permit authorizes the discharge of manure, sludge, and wastewater into or adjacent to water in the state by Concentrated Animal Feeding Operations only during chronic or catastrophic rainfall events, or catastrophic conditions that cause an overflow.

The GP becomes effective on July 20, 2019. The renewal period for authorizations under the GP is from July 21, 2019 through January 16, 2020 (180 days).

Permittees with current (active) authorizations will have 180 days to renew their permit coverage. All permit holders must renew to continue to be authorized under the CAFO GP.

Renewal applications (Form TCEQ - 20111) (both e-permit and paper) will be available on the TCEQ web starting July 21, 2019.

- Online (e-permit) renewal: \$75
- Paper renewal: \$100

A copy of the permit can be downloaded from the TCEQ web. (Search by TXG920000).

MS4 Phase II General Permit (TXR040000) Renewal

Rebecca Villalba

Notes: This general permit expired on December 13, 2018 and was re-issued on January 24, 2019. MS4s have 180 days after issuance date to renew – submit a new NOI w/updated SWMP or a waiver application. Deadline is July 23, 2019. At this time, we have only received 113 applications – of these 18 are waivers. Please respond quickly to any questions you may receive from our staff since we have a 6-month deadline to meet. Submittal of annual reports are unaffected by the renewal of the GP and will continue with same deadlines. SBLGA and SW permitting held free MS4 workshops across the state from April through June, 2019 to assist MS4s in developing SWMPs in Belton, San Marcos, Dallas, Houston, Weslaco, and Waco. Lot of good feedback and good attendance.

Rule Updates:

Federal Rule Clean Water Act Analytical Methods Update

Rebecca Villalba

Notes: Meeting has been rescheduled for 1:30pm on August 20, 2019 at the TCEQ Austin HQs, Building F, Room 2210. We will be discussing rule making, implementation procedures, and other guidance that will apply to the permit applications. After August 28, 2019, you must be using an accredited laboratory. Further guidance will be provided at the Meeting on August 20th.

City of Austin Rule Petition (Beneficial Reuse Credits in Chapters 309/222) Laurie Fleet

Notes: On March 14, 2016, the Texas Commission on Environmental Quality (commission) received a petition from the City of Austin. The commission granted the petition on May 11, 2016. The proposed rulemaking in Chapters 222 and 309 would give an applicant for a Texas Land Application Permit (TLAP) the option to reduce the acreage required for land application of treated domestic wastewater by obtaining a "beneficial reuse credit" that accounts for beneficial reuse (i.e., water that will not go to the

applicant's permitted irrigation site). The proposed rulemaking is not compulsory—the rules would only apply if an applicant chooses to seek a beneficial reuse credit. The proposed rule was published in the Texas Register on June 28. A public hearing is scheduled at 10 am on July 25th in this room.

Chapter 312 (Biosolids) Rule Revision

Gregg Easley

Notes: The anticipated Commissioners Agenda date for proposal of the Chapter 312 rule updates is October 9, 2019. These updates should be posted on the TCEQ biosolids webpage soon.

Program Updates:

Compliance Monitoring

Laurie Fleet

Notes: In accordance with the Federal Electronic reporting rule (40 CFR Part 127) we are required to enter narrative conditions into EPA's Federal database. We began entering these narrative conditions earlier this summer. Narrative conditions are permit provisions that require the applicant to submit something to the agency. These include renewal application (180 days before expiration), re-test analyses, quarterly progress reports, annual reports, thermal plume studies, source identification and reduction study work plan, instream monitoring plan, etc. As many of you know, EPA's database tracks compliance with DMR submissions and flags DMR non-receipt. Like DMRs, the database will track compliance.

Implementation Procedures Revisions

Gregg Easley

Notes: WQD continues to pursue a revision to the Implementation Procedures in parallel with the Texas Surface Water Quality Standards triennial revision which is scheduled to culminate in September 2021. Content should be forthcoming for stakeholders to review later this year, and stakeholder meetings should start up in early 2020. WQD also intends to fit in a short revision to the procedures prior to the larger 2021 revision, which will serve to incorporate existing agreements with EPA on pH evaluation procedures and Whole Effluent Toxicity reasonable potential determination procedures. Additional details will be sent out to stakeholders.

Improving Permit Processing Timeframes

Laurie Fleet

Notes: The WQD is exploring ideas for streamlining the permitting process. Our Legislative Performance Measure is to process 85% of our permits on time. We identified two areas that we need applicant/consultant assistance with: (1) timely publishing the public notices and submitting the verification documents and (2) timely review of draft permits.

Notice Delays: There are currently 50 permits that are delayed because the Notice of Application and Intent to Obtain Permit (NORI) or the Notice of Application and Preliminary Decision (NAPD) hasn't been published, public notice verification documents have not been submitted, or verification documents were incorrect. Please publish notice and submit verification documents as quickly as possible.

We've been discussing this topic since the January 2019 meeting but haven't seen appreciable improvement. We have elevated this issue to management. 30 TAC §39.405(a) allows us to return applications for failure to complete notice within established timeframes. If we return applications, applicants will be in noncompliance for operating without a permit and will have to submit a new application rather than a renewal. New applications are subject to a contested case hearing.

Ways that we have improved our internal processes:

1. Discuss delayed permits to develop action plan
2. Email draft permit to applicant daily (instead of mailing weekly)
3. Reduce applicant draft review time (7 days instead of 10)
4. File permits with CCO daily (instead of weekly)
5. Email Admin NODs (instead of mailing), eliminate 7 day NOD extension
6. Send Admin NODs to applicant and cc: consultant
8. Develop additional reports to improve permit timeframe tracking
9. Add PTT deadline to ED Sub Future Set List (use PTT deadline if sooner than 14 day ED Sub deadline)

Notes:

1. HB 2771
House Bill (HB) 2771 (86th Legislature, 2019) transferred permitting authority for discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from certain oil and gas activities from the Railroad Commission of Texas (RRC) to the Texas Commission on Environmental Quality (TCEQ or commission). Additionally, HB 2771 required the TCEQ to seek delegation authority from the United States Environmental Protection Agency (USEPA) for the National Pollutant Discharge Elimination System (NPDES) program to issue permits for these discharges. Implementation of HB 2771 will consist of three separate steps: 1) rulemaking to adopt by reference effluent limitation guidelines applicable to these discharges; 2) rulemaking to revise the Memorandum of Understanding between the RRC and TCEQ in 30 Texas Administrative Code (TAC) §7.117; and 3) amendment of TCEQ's NPDES delegation authority to issue permits for these discharges. Once we have an overall timeline for these activities, we plan to schedule a stakeholder meeting. Meeting details will be shared with members of the WQAWG.
2. HB 1300
Directed TPWD to establish a cultivated oyster mariculture program. We are working closely with TPWD to determine if changes will be needed to the Aquaculture General Permit.
3. HB 2031 Discharge Zones for Marine Seawater Desalination Plants
 - HB 2031 directed TPWD and GLO to develop recommended discharge zones in the Gulf of Mexico for marine seawater desalination discharges. The final report was submitted to TCEQ on August 27, 2018.
 - TCEQ is required to adopt rules for discharge zones by 2020.
 - Prior to 2020, a person must consult TPWD and GLO regarding the discharge point prior to submitting a wastewater discharge application to TCEQ.
 - After 2020, all discharges of marine desalination reject water into the Gulf of Mexico must be within the established discharge zones.

TCEQ has initiated rulemaking to adopt the discharge zones. The rule is expected to be ready for public notice in November.

Announcements:

The next WQAWG Meeting will be held on Tuesday, October 15, 2019.

The Autumn Environmental Conference and Expo will be held on October 8 - 10, 2019 at the Parmer Events Center. More info can be found at <https://www.tceq.texas.gov/p2/events/autumn-environmental-conference-and-expo>

The WQD will be hosting a Pretreatment Stakeholders' Meeting on Thursday, September 19, 2019, from 1:00 - 4:00pm at the TCEQ Austin HQs in Building F, Room 2210. The call-in information for those who would like to participant but are unable to attend in person is provided below:

1. TCEQ Staff Access Number: 512-239-3446
2. Toll Free (for external customers ONLY): 844-368-7161
3. Participant's Collaboration code: 130241#

The Federal Clean Water Act Analytical Methods Update Rule (MUR) stakeholder meeting has been re-scheduled; the new meeting date is August 20, 2019. We appreciate your dedication and look forward to meeting with you.

Date: August 20, 2019

Location: TCEQ Austin HQs, Building F, Room 2210

Time: 1:30 - 4:00pm

Adjournment

WQAWG website: https://www.tceq.texas.gov/permitting/wastewater/WO_advisory_group.html

All WQAWG meetings are available by webcast by going to <https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html> or at <https://www.youtube.com/user/TCEONews>

Webcast attendees: Please submit an email to Outreach@tceq.texas.gov with “WQAWG” in the subject line and include your title/contact Information (business affiliation and phone number) to be registered on the attendance roster. You may submit this information in advance. *Thank you*