

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

October 15, 2019 @ 1:30 p.m.
Building E, Room 201S

Meeting Summary

Moderator

Welcome and Introductions

Gregg Easley

General Permit (GP) Updates:

MS4 Phase II General Permit (TXR040000) Renewal

Rebecca Villalba

Notes:

This general permit regulates stormwater discharges from municipal separate storm sewer systems (MS4) located in urbanized areas. The general permit expired on December 13, 2018 and was re-issued on January 24, 2019. MS4s had 180 days after issuance date to renew – Renewal deadline ended July 23, 2019. We received 493 applications (NOIs) and 29 waivers. The previous regulated universe was about 574, so not everyone applied for renewal. Most of the applications have been reviewed for administrative completeness by the Applications Review & Processing Team and are now in review by the Standards Implementation Team to verify discharge information related to waterbodies. The applications have started to move to the Stormwater Team for technical review. We will send notices of deficiency via email, if needed. Please respond quickly to questions from us to help process your applications in a timely manner. Submittal of annual reports are unaffected by the renewal of the 2019 general permit and will continue with the current deadlines unless someone changed their reporting year.

Multi-Sector General Permit (TXR050000) Renewal

Rebecca Villalba

Notes:

This general permit regulates stormwater discharges from industrial activities. The general permit expires on August 14, 2021 and we have recently started the renewal process. We have updated the stormwater webpages and sent email notifications to all permittees on September 16, 2019. We sent outreach emails to stakeholders and permittees on September 25, 2019, announcing the stakeholder meeting. In addition, announcements were made in *The Advocate* newsletter and Stormwater stakeholder email list. A stakeholder meeting is scheduled on Friday October 18th at 10:00 a.m. in the Agenda Room to present preliminary proposed changes to the MSGP. Comments from stakeholders will be accepted until Friday, Nov. 1, 2019. Comments need to be submitted to SWGPA@tceq.texas.gov and include “MSGP Renewal” in the subject line.

Rule Updates:

Ch. 312 Sludge Rule Revisions

Brian Sierant

Notes:

The proposed administrative and technical updates were presented at Commission Agenda last Wednesday, October 9th. The commissioners gave approval to the ED to move on with publishing the proposed rules and they did not have any questions. The proposed rules will be published in the Texas Register on October 25th and the comment period will begin on this date and will end on November 26th. We will have a public hearing on Tuesday, November 19th at 10am. Individuals may present oral statements when called upon in order of registration. If you would like to submit comments, but can't make it to the public hearing, you can submit them to the Texas Register during the comment period. Please make sure to reference rule project number 2017-035031200W.

This information, along with the preamble and proposed rule changes can be found on the TCEQ website by going to Rule Proposals and Adoptions, then Rule Proposals. The proposed rule will have the usual Texas Register format where language that is being added is underlined and the language and the language that is being removed is depicted in brackets.

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. The public comment period ended on July 30th. The rule is scheduled for adoption by the commission on Dec. 18th.

Ch. 319 Revisions to the 2017 Federal Analytical Method Update Rule Sarah Johnson

Notes:

The EPA's 2017 Methods Update Rule for the CWA pertains to testing methods, calculating the method detection limit (MDL), and clarification regarding the alternate test procedure (ATP) process. Revised 40 Code of Federal Regulations (CFR) 136.5 clarifies that while requests for a limited-use ATP are sent to the state agency responsible for issuing NPDES permits, approval can only be granted by the EPA's Regional ATP Coordinator, not the states. The TCEQ also noted minor changes needed to Chapter 319 in the last rules review. Clarifications identified include the removal of obsolete sections. Therefore, the Office of Water is initiating rulemaking to revise the Alternate Test Procedure requirements in Chapter 319 to align with 40 CFR Part 136 and to improve overall readability. A preliminary draft of standalone regulatory guidance that will replace Appendix E in the IPs will be distributed for stakeholder review and input in early November.

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.

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. This past year we were only able to issue 81% on time. In addition to making changes to our internal processes, 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 61 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.
- Draft Acceptance Delays: There are currently 31 permits that have been pending for greater than 30 days for the applicant to review.

We have been discussing this topic at the WQAWG meetings 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 the current plans and specs requirements in Chapter 217 and to a contested case hearing.

HB 2771 Implementation Activities

Laurie Fleet

Notes:

House Bill (HB) 2771 (86th Legislature, 2019) 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 discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from certain oil and gas activities. Additionally, HB 2771 will transfer state permitting authority for these discharges from the Railroad Commission of Texas (RRC) to the TCEQ upon federal delegation from EPA. We held a stakeholder meeting on Sept 17th to discuss activities and timelines for implementing this bill. A second meeting is scheduled for Dec. 5th to provide stakeholders with update on the status of these activities. Meeting details were shared with members of the WQAWG via email distribution.

Hydrostatic Test General Permit (TXG670000) Renewal

Laurie Fleet

Notes:

The TCEQ is proposing to renew and amend the Hydrostatic Test Water General Permit TXG670000, which authorizes the discharge of hydrostatic test water from new vessels; vessels which contained raw water, potable water, or elemental gases; or vessels which contained petroleum substances or waste related to petroleum substances. The current permit expires on April 5, 2020. Notice of the draft permit will be published in newspapers and the Texas Register on October 25, 2019. A public meeting will be held at 1:30 p.m., December 3rd, 2019, TCEQ, 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753. The public comment period will end at the conclusion of the public meeting.

Revisions to this general permit will not incorporate oil and gas discharges addressed by HB 2771. Those revisions will be incorporated in a separate action once this renewal is completed.

Water Treatment Plant General Permit

Laurie Fleet

Notes:

The TCEQ is developing a new general permit authorizing the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. We recently got management approval to share the draft permit with stakeholders. The draft permit will be shared with permittees that have an individual permit for conventional water treatment, public water supply permittees, and members of the WQAWG. We anticipate that this stakeholder involvement will occur prior to the next WQAWG meeting.

Announcements:

The next WQAWG Meeting will be held on Tuesday, January 21, 2020.

The WQD will be hosting a 2021 MSGP (TXR05) Renewal Stakeholder Meeting on Friday, October 18, 2019, from 10:00am - 12:00pm at the TCEQ Austin HQs in Building E, Room 201S. Please submit an email to Outreach@tceq.texas.gov with “2021 MSGP” in the subject line if you would like to receive additional information and notifications regarding this meeting.

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/TCEQNews>

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*