

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

Meeting *

January 15, 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

Gregg Easley

Welcome and Introductions

General Permit (GP) Updates:

Harris County GP (TXG530000) Renewal

Laurie Fleet

Notes:

The TCEQ is proposing to renew the Harris County Onsite General Permit TXG530000, which authorizes the discharge of wastewater from on-site treatment systems connected to single family residences located in Harris County, Texas. The current permit expires on January 30, 2019. Draft permit was published for public comment and comment period ended on Oct. 1st. The commission is expected to take action on the proposed permit on January 16th.

Concentrated Animal Feeding Operations GP (TXG920000) Renewal

C.W. Schneider

Notes:

The TCEQ is proposing to renew the Concentrated Animal Feeding Operation (CAFO) General Permit (TXG920000). The CAFO general permit allows for discharge of wastes under chronic or catastrophic conditions and must be re-issued every 5 years. The current permit is set to expire on July 20, 2019.

The draft general permit was submitted to EPA for review on October 16, 2018. EPA issued a “no objection” letter on December 6, 2018. We anticipate that public notice will be published in the Texas Register and newspapers on February 22, 2019. At the end of the 30-day comment period, a public meeting will be held at TCEQ headquarters during the last week of March.

Following the 30-day comment period and public meeting, TCEQ will respond to comments received and prepare the documents for Commission adoption. At this time, we anticipate issuance of the general permit by June 26, 2019, which will be about 3 weeks ahead of the scheduled expiration date of the current general permit.

Multi-Sector General Permit (TXR050000) Update

Lindsay Garza

Notes:

The NetDMR webpage has been updated on TCEQ’s website for information and links for the submittal of Discharge Monitoring Reports (DMRs). Please note that Benchmark Monitoring Reports (BMRs) are still being accepted via paper form. For more information and training videos please visit: <https://www.tceq.texas.gov/permitting/netdmr>

John Graves General Permit (TXG500000) Renewal

Lindsay Garza

Notes:

Regulates quarries located greater than one mile from a water body within the water quality protection area in the John Graves Scenic Riverway. The permit expires April 7, 2019. The public comment period ended October 1, 2018, and the permit is scheduled to be presented at the TCEQ Commissioner's Agenda on March 27, 2019. Existing permittees will have to submit an application for permit renewal within 90 days of issuance of this general permit to continue quarry activities.

MS4 Phase II General Permit (TXR040000) Renewal

Rebecca Villalba

Notes:

- This general permit regulates stormwater discharges from small municipal separate storm sewer systems located in urbanized areas.
- The general permit expired on December 13, 2018, and is currently administratively continued.
- TCEQ published a public notice in 14 newspapers and in the *Texas Register* on August 24, 2018, and had a 30-day public comment period.
- A public meeting was held on September 24, 2018, and the 30-day comment period ended on this date.
- The permit is scheduled to be presented at the TCEQ Commissioners Agenda on January 16, 2019. The general permit will be issued thereafter.
- Small MS4s will have 180 days after the effective date of the permit to renew their existing authorization. MS4s will need to submit a new application on the updated 2019 form with an updated Stormwater Management Program (SWMP) or a waiver application, as applicable.
- Updated forms and information will be posted on TCEQ's stormwater webpages.
- TCEQ will send courtesy notification postcards to active permittees with renewal instructions.
- The application fee increased to \$400.
- Submittal of annual reports are unaffected by the renewal of the general permit and continues with same deadlines.

Rule Updates:

30 Texas Administrative Code Chapter 312 Biosolids Rule

Brian Sierant

Notes:

The following is the latest update to the Agency initiated rulemaking for Chapter 312 sludge rules to clarify the intent of existing requirements, remove inconsistencies, and improve readability. Currently, we are working on making edits and incorporating language based on comments made by the rule team. Comments were provided from Solid Waste, Registration and Reporting and Small Business and Environmental Assistance. Once these rule edits are complete, which should take a week or so, the proposed rule will follow the usual rule procedural steps. This would include preparing and incorporating the fiscal note and preparing the proposal memo and agenda item request. The proposed rule will then be given for sign-off. The proposed rule would then be presented at Commission Agenda which would take place in late spring.

HB 2582 Exemption for Certain Aggregate Production Operations

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 drafted the proposed rule to amend 30 TAC Chapter 342 to add the new exemption. The rule was published in the Texas Register on 12/28 for public comment. A public hearing is scheduled in the TCEQ Agenda Rm at 10 am on 1/22.

Federal Rule Clean Water Act Analytical Methods Update

Rebecca Villalba

Notes:

- Water Quality Division sent memo signed on September 27, 2018, to the TCEQ's Laboratory Accreditation group requesting that NELAP accreditation be offered for analytes from Methods 608.3 (Table 1), 624.1 (Table 1) and 625.1 (Tables 1 and 2) for non-potable water matrix. The scope of the memo is restricted to just these methods.
- Memo sets deadline of August 28, 2019. Data submitted based on the previous MUR (2012) will not be accepted beyond this date.
- Due to the time required to review the applications by the TCEQ's Laboratory Accreditation group, any initial or corrected applications for the above new methods received after January 12, 2019, may not be reviewed until after April 12, 2019.
- As per the September 27, 2018 memo, TCEQ's Laboratory Accreditation staff will not enforce during laboratory assessments the use of [a] the newly approved methods in Tables 1A to 1G in 40 CFR 136.3.a and [b] EPA's revised MDL model in 40 CFR Part 136, Appendix B, that appeared in the 2017 MUR.
- For more information regarding laboratory accreditation please go to: https://www.tceq.texas.gov/agency/qa/env_lab_accreditation.html
- The MUR Stakeholder group meeting is scheduled for April 30, 2019, 1:30 p.m., at the TCEQ's Austin campus.

Program Updates:

Implementation Procedures Revisions

Peter Schaefer

Notes:

- Major revision to parallel Standards 2021 revision.
- Minor revision before 2021 revision to include items already agreed upon with EPA- WET RP and pH screening.
- 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. 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 permits (where flow is increased) for facilities that are permitted to discharge 0.5 MGD or more. (Currently in use in permitting)
- Updates to classified segment ambient water quality values (Appendix D of IPs).
- Updates to critical low-flows and harmonic mean flows for classified segments (Appendix C of IPs). This includes updates to the description of the table to clarify how these calculations are derived.
- Updates to endangered species (Appendix B of IPs).
- Errors and omissions are being corrected in current IPs.
- Comments from stakeholders are being considered:
 - Use of BEF's for dioxin and dibenzofurans (similar to great lakes)
 - Removal of lipid factor in human health criteria calculations

Pretreatment Program Update

Erika Crespo

Notes:

The WQD is in the process of entirely revamping how the TCEQ Pretreatment Program is being implemented within this division of the Agency. We want for this to be a successful endeavor, and the goal and objective are to improve the overall efficiency of the work done by the Pretreatment Team so that we can best serve our customers on behalf of the State. The TCEQ pretreatment coordinators are currently not assigned to specific pretreatment programs, so please direct any pretreatment-related questions or concerns to the Pretreatment Team Leader, Erika Crespo.

We have created a general email address for pretreatment-related inquiries:

WQPret@tceq.texas.gov

Please be aware of the compliance dates associated with the EPA Dental Rule, and please submit any related reports or program modifications to us for review as appropriate (specifically non-substantial modifications for the one-time compliance reports being used for dental offices). More information is available for review on our TCEQ Pretreatment Dental Rule website.

The WQD is half-way through our pretreatment program audits for this fiscal year, and we are consistently coming across issues related to significant noncompliance (SNC) determinations. Please reach out to Erika Crespo if you have any questions or concerns about the recent changes that have been made to our auditing process and our final audit reports.

The WQD is in the process of developing a plan to review the backlog of program modifications. Going forward, as we work to complete our modification reviews, we will be reaching out to individual programs for insight and information on their pending submissions. In some cases, we may ask for programs to resubmit or revise their modification packages. Please direct any questions or concerns about this initiative to Erika Crespo, and she will provide you with an answer or a status update.

Improving Permit Processing Timeframes

Laurie Fleet

Notes:

The WQD is exploring ideas for streamlining the permitting process. Our goal 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. There are currently 66 permits that are delayed because 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 as quickly as possible and submit verification documents within 45 days of receiving the notice from the Chief Clerks Office. There are currently 46 permits that are delayed because the applicant/consultant has not accepted the draft permit. We are looking into emailing the draft permit rather than USPS mail to allow additional time to review, but in the meantime, please review and provide feedback as soon as possible after receiving the draft permit. Together, these delays represent 16% of our permits and prevent us from reaching our goal of 85% on time before accounting for delays related to technical issues or complex permits.

Announcements:

WQAWG Meeting: Tuesday, April 16, 2019

Federal Rule Clean Water Act Analytical Methods Update Workgroup meeting April 30, 2019, TCEQ Campus, Bldg F, Room 2210 at 1:30 p.m.

TCEQ's 2019 Environmental Trade Fair and Conference, Austin Convention Center, May 14-15, 2019. Attendee and Exhibitor information available at <https://www.tceq.texas.gov/p2/events/etfc/etf.html>

Adjournment:

WQAWG website: https://www.tceq.texas.gov/permitting/wastewater/WQ_advisory_group.html
***NEW LINK:** This meeting will be available by webcast at the time of the meeting by clicking on <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; please include your Title and Contact Information (business affiliation, address and phone number) in order to be registered on the attendance roster. You may submit this information in advance if you plan to attend via webcast. *Thank you*