

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

Meeting

April 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

Gregg Easley

Welcome and Introductions

General Permit (GP) Updates:

Concentrated Animal Feeding Operations GP (TXG920000) Renewal

C.W. Schneider

Notes:

- Public notice was published in the Texas Register and newspapers on February 22, 2019.
- A public meeting was held at TCEQ headquarters at the conclusion of the 30-day comment period, on March 25, 2019.
- Several comments were received during the public comment period. Water Quality Division staff have prepared a draft response to those comments and the draft is currently in review with the Office of Legal Services.
- We anticipate going to the Commissioners for adoption of the general permit on June 26, 2019.
- The current schedule will have the new general permit in place about 3 weeks ahead of the scheduled expiration date of the current general permit.
- After the Commissioner's agenda on June 26, we will send out letters to permittees to let them know when they can start submitting the NOI forms through e-permit or paper.
- Permittees will have 180 days from the July 20, 2019 date to renew, which will be January 16, 2020.

Multi-Sector General Permit (TXR050000) Update

Lindsay Garza

Notes:

- TCEQ identified some issues with questions in NetDMR that are not capturing all the information needed for certain sectors
- TCEQ made decision supported by EPA to accept paper DMR forms until August 14, 2021
- Temporary NetDMR Waiver mailed to active permittees on 2/28/19
- If you already submitted electronically before the deadline of March 31st, that is ok, just keep documentation of your submittal
- BMRs still required to be submitted paper form
- Reminder, DMRs for Hazardous Metals sampling do not need to be submitted unless there is an exceedance. Keep DMRs on site if there are no exceedances

John Graves General Permit (TXG500000) Renewal

Lindsay Garza

Notes:

- General permit issued and effective on 3/29/19
- Permittees will have 90 grace period to renew their authorization - deadline is June 27, 2019

- Courtesy letters to all 7 permittees will be mailed out explaining steps to renew authorization:
 - NOI (old forms are no longer accepted)
 - Core Data Form
 - Updated Restoration Plan
 - Proof of Financial Assurance for Restoration
 - Pollution Prevention Plan (P3)
 - Application Fee (\$1,215.00)

MS4 Phase II General Permit (TXR040000) Renewal

Rebecca Villalba

Notes:

- This general permit regulates stormwater discharges from municipal separate storm sewer systems located in urbanized areas.
- The general permit expired on December 13, 2018 and has been reissued.
- Agenda date: January 16, 2019 - GP 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
- Updated forms and information are on TCEQ webpages. Last week we revised the waiver form to clarify that waiver applicability is based on the 2010 U.S. Census. The updated waiver form will be posted shortly.
- TCEQ sent post cards or letters to active permittees with renewal instructions.
- Application fee increased to \$400.
- Submittal of annual reports are unaffected by the renewal of the GP and continues with same deadlines. SBLGA and SW permitting is currently offering free MS4 workshops across the state to assist MS4s in developing SWMPs. **Registration happens online at SBLGA's webpage** <https://www.tceq.texas.gov/assistance/water/stormwater/ms4-stormwater-management-plan-workshops>
 - Belton - Tue. April 2, 2019 - was held
 - San Marcos - Wed. April 17, 2019 - seats available
 - Dallas - Thur. April 25, 2019 - registration closed
 - Houston - Tues. April 30, 2019 - seats available
 - Weslaco - Tues. May 7, 2019 - seats available
 - Waco - Tues. June 4, 2019 - seats available

Rule Updates:

30 Texas Administrative Code Chapter 312 Biosolids Rule

Brian Sierant

Notes:

The updates on the administrative changes that would provide clarification to the Chapter 312 rules for the land use, disposal and transportation of sludge. The future rulemaking dates include the following: June 12, 2019 - Commission Agenda for approval to publish (Agenda Backup on May 24, 2019), June 28, 2019 - rules published in TX Register (30-day period begins), July 30, 2019 - public hearing held in TCEQ Agenda Room (30-day comment period ends). The next step is the standard internal rule procedures from August 1, 2019 through November 15, 2019, then adoption by Commission at Agenda (Agenda Backup on November 26, 2019) with the Effective date of the rule being January 9, 2020.

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 proposed rule amendments to 30 TAC Chapter 342 to add the new exemption. The rule was published in the Texas Register on 12/28 for public comment and a public hearing was held on 1/22. The proposed rule is scheduled for commission adoption on 5/22.

Federal Rule Clean Water Act Analytical Methods Update

Rebecca Villalba

Notes:

The stakeholder MUR meeting scheduled for April 30, 2019, has been re-scheduled. The new date is June 27, 2019. The meeting will be held at TCEQ, Building F, Room 2210, and will start at 1:30 p.m.

City of Austin Rule Petition

Laurie Fleet

Notes:

The rule is tentatively scheduled for Commission approval to publish the proposed rule on June 12, 2019.

Program Updates:

Implementation Procedures Revisions

Peter Schaefer

Notes:

Major revision to parallel Standards 2021 revision. Some of the planned revisions are the following:

- 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 mussel species in throughout Texas that are proposed for federal listing. There are currently no plans to include proposed species in the 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

Minor revision before 2021 revision to include items already agreed upon with EPA- WET RP and pH screening. Planned revisions are the following:

- 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)

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 48 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. That's an improvement from our last meeting which was 66. Please publish notice as quickly as possible and submit verification documents within 45 days of receiving the notice from the Chief Clerks Office.
- **Draft Review Delays:** There are currently 51 permits that are delayed because the applicant/consultant has not accepted the draft permit. That's up from 46 at the last meeting. Beginning this week, we plan to start emailing the draft permit, fact sheet, and notice rather than sending by USPS mail to allow additional time to review. This should reduce the number of requests for additional review time. Please review and provide feedback as soon as possible after receiving the draft permit.

Together, these delays represent 14% of our permits (previously 16%). When combined with delays related to technical issues or complex permits, we are struggling to meet our performance measure of 85% on time.

86th Legislative Session Bill Update

Brian Sierant

Notes:

Some key bills that we are tracking this session include:

- HB 2710 & SB 2278 regarding Aggregate Production Operation (APO) Remediation requirements
- SB 1696 regarding APO Permits
- HB 2942 regarding Agricultural Tax exemption for APOs that reclaim the property within one year of initiating extraction
- HB 2771 & SB 1585 regarding transfer of certain oil and gas discharges from the Railroad Commission to the TCEQ
- HB 4116 regarding financial assurance agreements for TPDES discharges

Announcements:

The next WQAWG Meeting will be held on Tuesday, July 16, 2019

Federal Rule Clean Water Act Analytical Methods Update Workgroup meeting June 27, 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. More information is available at <https://www.tceq.texas.gov/p2/events/etfc/etf.html>

Adjournment

All WQAWG meetings are available by webcast at the time of the meeting at <https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html> or they can be viewed at any time at <https://www.youtube.com/user/TCEQNews>