

Texas Commission on Environmental Quality Oil and Gas Discharge Delegation Stakeholder Meeting

March 3, 2020@ 1:30 p.m.
Building E, Room 201S

Meeting Summary

Welcome and Introductions

L'Oreal W. Stepney & David

Galindo Rulemaking: O&G Effluent Limitation Guidelines Laurie Fleet

Notice published: 1/10

Public Meeting: 2/4

End of Comment Period: 2/11

Comments from 6 organizations & >1400 individuals

Agenda Backup: 5/1

Adoption Agenda: 5/20

Develop NPDES Application

Laurie Fleet

Based on discussions with EPA, the delegation application should be oil and gas specific. We should not revise the 1998 delegation application. EPA also notified us that our request would meet the requirements for a partial program authorization, which will follow the review/approval process described in 40 Code of Federal Regulations Part 123.21(b)(1) and 123.61.

Revise TCEQ-Railroad Commission MOU

Kathy Humphreys

Notice published: 2/28

Public Meeting: 3/23

End of Comment Period: 3/30

Transition from EPA/RRC to TCEQ

Laurie Fleet

Pending Applications - Upon delegation

Existing Permits - Upon renewal/amendment

Enforcement -

- RRC-Upon delegation
- EPA-Upon delegation except permits with a pending enforcement action, then upon completion of the enforcement action.

Revise Hydrostatic Test General Permit

Laurie Fleet

Evaluated Oil and Gas Hydrostatic Test permits from other states

Reviewed examples of EPA Permits

Currently drafting the permit revisions

EPA General Permits

Laurie Fleet

TXG260000 (Stripper Wells and Coastal Discharges) Administratively Continued

TXG330000 (Discharges to the Territorial Seas) Administratively Continued

TCEQ plans to issue TPDES general permits for these activities

These activities may be combined into a single general permit to save state resources

Announcements

David Galindo

- Next Meeting: June 15, 2020@ 1:30 pm, Building E, Room 201S

§123.21 Elements of a program submission.

(a) Any State that seeks to administer a program under this part shall submit to the Administrator at least three copies of a program submission. The submission shall contain the following:

(1) A letter from the Governor of the State (or in the case of an Indian Tribe in accordance with §123.33(b), the Tribal authority exercising powers substantially similar to those of a State Governor) requesting program approval;

(2) A complete program description, as required by §123.22, describing how the State intends to carry out its responsibilities under this part;

(3) An Attorney General's statement as required by §123.23;

(4) A Memorandum of Agreement with the Regional Administrator as required by §123.24;

(5) Copies of all applicable State statutes and regulations, including those governing State administrative procedures;

(b)(1) Within 30 days of receipt by EPA of a State program submission, EPA will notify the State whether its submission is complete. If EPA finds that a State's submission is complete, the statutory review period (i.e., the period of time allotted for formal EPA review of a proposed State program under CWA) shall be deemed to have begun on the date of receipt of the State's submission. If EPA finds that a State's submission is incomplete, the statutory review period shall not begin until all the necessary information is received by EPA.

(2) In the case of an Indian Tribe eligible under §123.33(b), EPA shall take into consideration the contents of the Tribe's request submitted under §123.32, in determining if the program submission required by §123.21(a) is complete.

(c) If the State's submission is materially changed during the statutory review period, the statutory review period shall begin again upon receipt of the revised submission.

(d) The State and EPA may extend the statutory review period by agreement.

[48 FR 14178, Apr. 1, 1983; 50 FR 6941, Feb. 19, 1985, as amended at 58 FR 67981, Dec. 22, 1993; 59 FR 64343, Dec. 14, 1994]

§123.61 Approval process.

(a) After determining that a State program submission is complete, EPA shall publish notice of the State's application in the Federal Register, and in enough of the largest newspapers in the State to attract statewide attention, and shall mail notice to persons known to be interested in such matters, including all persons on appropriate State and EPA mailing lists and all permit holders and applicants within the State. The notice shall:

(1) Provide a comment period of not less than 45 days during which interested members of the public may express their views on the State program;

(2) Provide for a public hearing within the State to be held no less than 30 days after notice is published in the Federal Register;

(3) Indicate the cost of obtaining a copy of the State's submission;

(4) Indicate where and when the State's submission may be reviewed by the public;

non-substantial program revisions may be given by a letter from the Administrator to the State Governor or his designee.

(c) States with approved programs must notify EPA whenever they propose to transfer all or part of any program from the approved State agency to any other State agency and must identify any new division of responsibilities among the agencies involved. The new agency is not authorized to administer the program until approved by the Administrator under paragraph (b) of this section. Organizational charts required under §123.22(b) (or, in the case of a sewage sludge management program, §501.12(b) of this chapter) must be revised and resubmitted.

(d) Whenever the Administrator has reason to believe that circumstances have changed with respect to a State program, he may request, and the State shall provide, a supplemental Attorney General's statement, program description, or such other documents or information as are necessary.

(e) State NPDES programs only. All new programs must comply with these regulations immediately upon approval. Any approved State section 402 permit program which requires revision to conform to this part shall be so revised within one year of the date of promulgation of these regulations, unless a State must amend or enact a statute in order to make the required revision in which case such revision shall take place within 2 years, except that revision of State programs to implement the requirements of 40 CFR part 403 (pretreatment) shall be accomplished as provided in 40 CFR 403.10 . In addition, approved States shall submit, within 6 months, copies of their permit forms for EPA review and approval. Approved States shall also assure that permit applicants, other than POTWs, submit, as part of their application, the information required under §§124.4(d) and 122.21 (g) or (h), as appropriate.

(f) Revision of a State program by a Great Lakes State or Tribe (as defined in 40 CFR 132.2) to conform to section 118 of the CWA and 40 CFR part 132 shall be accomplished pursuant to 40 CFR part 132.

[48 FR 14178, Apr. 1, 1983, as amended at 49 FR 31842, Aug. 8, 1984; 50 FR 6941, Feb. 19, 1985; 53 FR 33007, Sept. 6, 1988; 58 FR 67983, Dec. 22, 1993; 60 FR 15386, Mar. 23, 1995; 63 FR 45123, Aug. 24, 1998]