

Texas Commission on Environmental Quality
WATER QUALITY ADVISORY WORK GROUP (WQAWG)
Stakeholder Meeting
January 21, 2021 @ 1:30 p.m.
Virtual Meeting via MS Teams Live Event
Meeting Summary

Moderator:

Welcome and Introductions

Gregg Easley

General Permit (GP) Updates:

Multi-Sector General Permit (TXR050000) Renewal

Rebecca Villalba

- This general permit regulates stormwater discharges from industrial activities.
- The general permit expires on August 14, 2021, and we started the renewal process on September 2019.
- The public notice for the draft general permit was published in the Texas Register and seven newspaper across the state (San Antonio, Tyler, Austin, Odessa, Fort Worth, El Paso, and Amarillo) on December 11, 2020, to start the formal public comment period.
- A public meeting was held on January 11, 2021, where the public could ask questions about the draft permit and provide comments. Approximately 230 people participated in the meeting and seven individuals provided formal oral comments during the meeting. The presentation is available at the following webpage:
https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html.
- The public comment period ended on January 14, 2021. Comments were received from approximately 22 entities and individuals.
- Currently, we are reviewing the public comments and developing the Response to Comments document. Management briefings are scheduled for May.
- Major proposed changes include:
 - Adding NAICS codes to SIC code tables
 - Adding items to NOC and NOIs to comply with eReporting requirement. For example, will capture industrial activities subject to federal categorical guidelines.
 - Delegation of Signatories will be filed online through STEERS.
 - Clarified reporting requirements in Part III and Part V. Made it clearer which activities are subject to federal categorical guidelines. For example, in Sector O, it is only facilities having coal pile runoff that are subject to the requirements.
 - Sector J: Added some BMPs from the CGP. For example, off-site vehicle tracking of sediments, generation of dust, dewatering of trenches and excavation, and pumping or dewatering of standing water.
 - Sector L: Added definitions for *Final Cover* and *Intermediate Cover*. Replaced *trenches* with *units*.
 - Plastic Revisions:
 - Part III.A.4. Added pollution prevention measures and controls language for all facilities handling pre-production plastics (virgin and recycled plastic resin pellets, powders, flakes, powdered additives, regrind, scrap, waste, and recycling material) to eliminate plastics in stormwater, and
 - Part V. Sector Y. Added additional SWP3 requirements to include BMPs to prevent the discharge of plastic materials in stormwater.

- Adjusted two benchmark values – based on data collected during the current permit term:
 - Sector T: Lowered BOD from 20 mg/L to 15 mg/L.
 - Sector U (SIC 2074-2079): Lowered TSS from 100 mg/L to 50 mg/L.
- Facilities with an existing active MSGP authorization will need to renew their authorization when the renewed MSGP is issued and effective on August 14, 2021.
 - Facilities will have up to 90 days after the issuance date of the general permit.
 - Remember to terminate coverage, *if it is no longer needed*, prior to September 1, 2021, to avoid the annual WQ fee for FY22.
 - Only electronic applications are accepted – unless a request is made and approved for an eReporting waiver.
- The MSGP renewal process is moving along and at this time we do not foresee any issues that would delay the issuance by the expiration date of the current MSGP. The general permit is scheduled for to go to Commissioners Agenda for adoption in July 2021.

Aquaculture General Permit (TXG130000) Renewal

Laurie Fleet

- Project Overview: The TCEQ is proposing to renew and amend the Aquaculture General Permit TXG130000, which authorizing discharges into or adjacent to water in the state by aquaculture facilities and other activities related to aquaculture. The amendment will expand the applicability to include the new oyster mariculture program that was required by House Bill 1300, 86th Legislature. The current permit expires on April 18, 2021.
- Project Status: Public notice of the general permit was published on October 2, 2020. The comment period ended on November 2, 2020. No comments were received.
- Next Steps: Commission agenda scheduled March 31, 2021.

Concrete Batch General Permit (TXG110000) Renewal

Laurie Fleet

- Project Overview: The TCEQ is proposing to renew the Concrete Batch General Permit TXG110000, which authorizes the discharge of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (SIC 3271, 3272, and 3273). The current permit expires on November 7, 2021.
- Project Status: The draft permit and fact sheet were submitted to EPA on 1/11/2021.
- Next Steps: Resolve any EPA comments; Brief WQD/OW management for permission to publish notice.

Pesticide General Permit (TXG870000) Renewal

Laurie Fleet

- Project Overview: The TCEQ is proposing to renew the Pesticide General Permit TXG870000, which authorizes the application of pesticides into or over, including near waters of the United States (U.S.) for the control of mosquito and other insect pests, vegetation and algae pests, animal pests, area-wide pests, and forest canopy pests. The current permit expires on November 2, 2021.
- Project Status: The draft permit and fact sheet were submitted to EPA on 1/11/2021.
- Next Steps: Resolve any EPA comments; Brief WQD/OW management for permission to publish notice.

Rule Updates:

Sand Mining Rule Petitions/Rulemaking in the San Jacinto River Watershed

Rebecca Villalba

- The Texas Aggregates and Concrete Association (TACA) and the Lake Houston Area Grassroots Flood Prevention Initiative (FPI) filed separate but similar petitions for rulemaking on June 15, 2020, and June 23, 2020, respectively.
- Both organizations recommended that TCEQ adopt a new rule that would establish best management practices for commercial sand mining and other lawful purposes within the San Jacinto Watershed.
- The rulemaking would define specific areas within the watershed that would be regulated and would add a new chapter within the 30 TAC Chapter 311 Watershed Protection Rules.
- On August 12, 2020, the commission approved the two petitions to initiate rulemaking with stakeholder involvement.
- TCEQ held a virtual stakeholder meeting was held on November 10, 2020. Deadline for comments from stakeholders was December 11, 2020.
- TCEQ received comments from 14 stakeholders and is in the process of reviewing the comments and drafting the rule. Management briefings are scheduled to begin in April.
- The draft rule is scheduled for Commissioners Agenda on June 9, 2021, to request approval to publish the public notice of the draft rule in the *Texas Register*.
- For more information about the stakeholder meeting or rulemaking petitions visit the following webpage: <https://www.tceq.texas.gov/permitting/stormwater/sand-mining-rulemaking>.

Program Updates:

HB2771 Implementation Activities

Laurie Fleet

- Project Overview: HB 2771 requires TCEQ to submit a delegation request to EPA by September 1, 2021 for regulatory authority for oil and gas discharges into water in the state. Upon EPA delegation, the RRC authority for these discharges will transfer to TCEQ.
- Project Status: TCEQ submitted the delegation application to EPA on October 12, 2020. EPA approved the application on January 15, 2021. TCEQ now has state and federal regulatory authority for oil and gas discharges into water in the state.
- Next Steps: TCEQ is coordinating with EPA and RRC on transfer of records. We are also developing a list of Frequently Asked Questions. If you have questions, submit them to HB2771@tceq.texas.gov.
- Existing permittees must submit a renewal application to TCEQ prior to the earliest expiration date of either the EPA or RRC permit. Facilities authorized under EPA's general permits (TXG26 and TXG33) can continue operating under those permits until TCEQ issues a general permit to replace the EPA permits.

Permit Renewal Deadline

Laurie Fleet

- Every individual permit requires the permittee to submit a renewal application at least 180 days prior to the permit expiration date. We historically haven't been enforcing this requirement. However, this requirement will be monitored and flagged as a violation if the renewal application is submitted less than 180 days from the expiration date. This requirement DOES NOT apply to general permits.

Questions & Answers

- Please refer to the TCEQ's YouTube channel to view the Virtual Meeting recording for the Question and Answer session. Follow the YouTube link here:
<https://www.youtube.com/watch?v=0HuPxG68njY&list=PLwzfZK5z8LrFywwb44l8Nx59LNqiezlhX&index=2>

Announcements:

The next WQAWG Meeting will be held on Tuesday, April 20, 2021, @ 1:30 p.m.

The next HB2771 stakeholder meeting will be held on March 18, 2021, @ 1:30 p.m. To be added to the HB2771 stakeholder list for future meetings and correspondence, please email your request to HB2771@tceq.texas.gov.

Adjournment

WQAWG website: https://www.tceq.texas.gov/permitting/wastewater/WQ_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>

Meeting attendees:

Please submit an email to Outreach@TCEQ.Texas.gov with "WQAWG" in the subject line and include your title/contact information (business affiliation, address, and phone number) to be registered on the attendance roster. You may submit this information in advance.

Thank you