

**CWIS Stakeholder Meeting
September 10, 2015**

Summary

Meeting began with introductions and a presentation by TCEQ Water Quality Division staff summarizing the rule followed by open discussion.

Below is a summary of the open discussion:

Stake Holder (SH) Comment: Are there any final numbers yet for the entrainment determination worksheet?

TCEQ Response: The entrainment determination worksheet provided is only a draft. Actual numbers have not been finalized. The worksheet is for educational purposes only at this time.

SH Comment: CCRS, is it a default?

TCEQ Response: Information is required from the five factors (40 CFR §125.94(f)) for justification for an entrainment call; it will be a BPJ determination.

SH Comment: The annual certification should be due on a certain date across the board to ease the tracking of paperwork.

TCEQ Response: Good idea and TCEQ will take the request into consideration.

SH Comment: What will be the process for facilities that do not have any entrainment data?

TCEQ Response: TCEQ may require permittees to collect entrainment data.

SH Comment: In connection with the previous question, can historical data be used for that requirement?

TCEQ Response: TCEQ may allow historical data, based on a case-by-case basis.

SH Comment: Do state level endangered species need to be identified?

TCEQ Response: The rule only requires federally listed endangered species be identified. This includes aquatic, land, and plant species.

SH Comment: Concern about the timeframes of testing, engineering, and construction and how the permit will reflect that.

TCEQ Response: In accordance with the rule, the permit can have alternative schedules when documentation is provided by the stakeholder. There has been and will continue to be talks with EPA Region 6 to avoid any issues with issuing permits with site specific conditions.

SH Comment: For permittee's working on permit applications what should be done about worksheet 11.0?

TCEQ Response: The current worksheet should be used; TCEQ will review the application, with the current worksheet until the next permit cycle; the permittee will not need to resubmit a revised worksheet 11.

SH Comment: This stakeholder wonders how the permitting process will affect permittees, due to changes in procedure and conflicts with EPA. How will this affect permittees?

TCEQ Response: TCEQ is working closely with EPA Region 6 to mitigate any potential problems with this process. TCEQ is working cooperatively with them.

SH Comment: Continued concern of how to determine if they will in fact be an independent supplier and how will they be covered under the new rule if they do not currently have a TPDES permit.

TCEQ Response: SHs were advised to contact the TCEQ individually to determine if they are indeed an independent supplier. TCEQ and EPA are still discussing how the new rule will impact independent suppliers. Input and ideas as to how to approach the matter are welcome.

SH Comment: In the case that a water source is determined to be an independent supplier it will create a burden on the applicant and the supplier to submit information requested by TCEQ. There should be a main database to access the information and relieve the burden on both parties as well as create consistency between applications.

TCEQ Response: TCEQ will take the concern into consideration and possibly develop a centralized database.

SH Comment: We do not think that our canal takes water from WOTUS. We wonder, though, who would be considered the owner of the "intake structure," the independent supplier or the facility with the discharge permit?

TCEQ Response: TCEQ has not yet made a decision on this issue.

SH Comment: TCEQ should consider the implications of including independent suppliers (such as Coastal Water Authority) in this rule. If that were to happen, it would be very difficult for all parties (the permitting process would have to include everyone down the line). TCEQ should work with TPWD.

TCEQ Response: TCEQ understands the difficulty of implementing this new rule and will consider the comment.

SH Comment: Has TCEQ taken into consideration what is actually an intake structure versus an industrial pumping system?

TCEQ Response: TCEQ plans to review these scenarios on a case by case basis as applications are reviewed.

SH Comment: If an intake structure and pipeline are owned by a company without an NPDES permit, would they still be regulated?

TCEQ Response: The Clean Water Act requires that all cooling water intake structures, unless exempted, be regulated for reduction of impacts on aquatic life due to impingement and entrainment.

SH Comment: The new rule does have exclusions for reclaimed water and SHs should try to take advantage of them.

TCEQ Response: This is correct. The new rule does take water conservation into consideration.

SH: Is there any indication of the EPA expanding the rule past cooling towers?

TCEQ Response: There is no indication of that at this time.

SH Comment: Recommendation to river authorities to demonstrate that less than 25% of water goes to cooling towers would help customers on the river with the new rule.

TCEQ Response: TCEQ concurs

TCEQ: When should our next meeting be? If everyone is in agreement, our next meeting can be in 6 months, after we have had time to review applications, and have more concrete knowledge regarding specific BPJ issues.

*Please note that the above are a summary of comments captured and may not include all comments expressed.