

Meeting Minutes
Surface Water Quality Standards Advisory Workgroup Meeting
January 25, 2016

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Location: Building F, Second Floor, Room 2210

Time: 1:00 pm – 4:00 pm

1:00 p.m. Welcome and Workgroup Introductions, presented by Joe Martin

- Call to order.
- General welcome and introduction; housekeeping (restroom locations, etc.).
Introduction of Division Director, Section Manger, Water Quality Standards Group staff and workgroup members.

1:15 p.m. Current Status of 2014 TSWQS, presented by Joe Martin

- Mr. Martin gave a slide show presentation regarding the current status of the last rule revision. Please see slide show entitled “Texas Surface Water Quality Standards Update” for details.
- A highlighted version of the rule is available online to help the public understand what portions of the rule are approved, disapproved, still under EPA review, and have been declared as “no action” items by the EPA.
- Joe Martin contact information: joe.martin@tceq.texas.gov; 512-239-3163.

General Discussion

QUESTION: What about the category of Primary Contact Recreation 2 (PCR2) which was added in the last revision cycle? EPA has yet to act on that. Doesn't the Clean Water Act (CWA) state that the EPA has 60 days to approve and 90 days to disapprove revised water quality standards? That timeframe was up a long time ago.

ANSWER: The EPA is in the process of briefing upper management and headquarters on this issue. The recent revisions to the federal Beach Act in 2012 have to be considered by the EPA as well. The EPA hopes to have an action letter on PCR2 in the spring of this year. Technically yes - the EPA is supposed to act on disapprovals within 90 days, but implementation guidance also says states and authorized tribes may not use a revised water quality standard for CWA purposes until it has been approved by the EPA.

QUESTION: Is “no action” a valid CWA response for the EPA to have in regards to PCR2?

ANSWER: The EPA determination rule language as requiring “no action” on their part means that the EPA has determined that language to not meet the qualifications of a water quality standard as defined by the CWA. The fact that the EPA has yet to take action on PCR2 does not mean that this provision of the rule is not seen as a water quality standard. This portion of the rule is still under review by the EPA.

QUESTION: Will this presentation be put on the web after this meeting?

ANSWER: Yes, all presentations will be loaded onto our stakeholder page along with meeting summary notes.

QUESTION: How many other stakeholder meetings are planned?

ANSWER: At least one more in late March. If there are still outstanding issues to discuss with the group, there might be a third meeting.

1:30 p.m. Current Status and Upcoming Revisions to the Procedures to Implement the Texas Surface Water Quality Standards (RG-194), presented by Peter Schaefer and Mike Pfeil

- Mr. Schaefer gave a slide show presentation regarding the current status of the Procedures to Implement the Texas Surface Water Quality Standards. Please see slide show entitled “Revisions to the Procedures to Implement the Texas Surface Water Quality Standards” with speaker’s notes for details.
- Peter Schaefer’s contact information: peter.schaefer@tceq.texas.gov; 512-239-4372.

General Discussion

QUESTION: There are provisions in the Texas Surface Water Quality Standards (TSWQS) to allow for the reclassification of streams. If a stream has elevated bacteria concentrations and the sources have been proven to be uncontrollable (50-60% of the source is from wild animals), can the stream be reclassified to PCR2? Can’t the wildlife provision be used in these cases?

ANSWER: Municipalities must meet the numeric criterion associated with the most stringent category of contact recreation regardless of the stream classification. There is also still a risk to human health regardless of the source of the bacteria. The EPA is working on guidance to better qualify the level of risk to humans given the source of the bacteria, but that work is still ongoing. Until that work is completed, the EPA sees all sources as a risk to human health. The wildlife provision helps when conducting a recreational use-attainability analysis, but water depths in the stream may still show potential for primary recreation. The EPA suggested that this may be a case where an economic justification could be used to justify a standards change.

QUESTION: Since the EPA has changed the federal rules in regards to variances, do you anticipate incorporating those revisions in the Implementation Procedures?

ANSWER: Yes.

QUESTION: Hepta and Octa congeners were added to the dioxins/furans human health standards during the 2010 revision cycle. Can you look at the Great Lakes Rule (40 CFR, Part 132, Appendix F) for congener specific bioaccumulation equivalency factors (BEFs)? These congeners do not bioaccumulate at the same rate as the others, and this finding is supported by work done in the Houston Ship Channel.

ANSWER: Yes, we can look into those BEF values.

- Mr. Pfeil gave a slide show presentation regarding the recent agreement between the EPA and the TCEQ on whole effluent toxicity (WET) testing procedures. Please see slide show entitled "Update on Whole Effluent Toxicity and Reasonable Potential Determination" for details.
- Mike Pfeil's contact information: michael.pfeil@tceq.texas.gov; 512-239-4592

General Discussion

QUESTION: When reviewing permits, are you looking at the past three years now?

ANSWER: Yes. Previously we were looking at the past five years.

QUESTION: How do we now go about removing a WET limit? Is that still a possibility?

ANSWER: Currently we look at the last five years of data. If there are no failures, you can remove the limit through a major amendment. We had proposed three years of passing tests to remove the WET limit in the 2010 IPs, but the EPA did not approve it at that time. We will look to shorten that to the last three years of data to be consistent with how we do the RP determination.

2:00 p.m. EPA's Final Rulemaking to Update the National Water Quality Standards Regulation, presented by Jill Csekitz

Handouts: WQS Rule Revision Summary; WQS Rule Final Fact Sheet

- Ms. Csekitz gave a slide show presentation regarding the final rule making to the federal water quality standards rule. The presentation included anticipated changes to the TSWQS in light of the federal rule changes. Please see slide show entitled "Revisions to the Federal Water Quality Standards Rule" with speaker notes for details.
- Jill Csekitz's contact information: jill.csekitz@tceq.texas.gov; 512-239-3136.

General Discussion

QUESTION: What is the public involvement process in antidegradation procedures?

ANSWER: All antidegradation determinations are included in the permitting process, and antidegradation determinations are detailed in the technical summary document. Permit technical summary documents are public information and are available for access on our website.

QUESTION: How would temporary standards change the assessment?

ANSWER: It would not change the assessment because the underlying standards don't change.

COMMENT: EPA variances (temporary standards) have been use in the Great Lakes area for mercury for a while now.

2:30 p.m. Revised National Recommended Water Quality Criteria for the Protection of Human Health, presented by Debbie Miller

Handout: Table 2: Changes to Human Health Numeric Criteria

- Ms. Miller gave a slide show presentation regarding the EPA's 2015 update to the federally recommended human health criteria and how these changes may impact this revision of Table 2 of the TSWQS. Please see slide show entitled "EPA's 2015 Human Health Criteria Update" with speaker notes for details.
- Debbie Miller's contact information: debbie.miller@tceq.texas.gov; 512-239-1703.

General Discussion

QUESTION: How were the different BAF trophic levels handled? Was data specific to Texas used?

ANSWER: Three trophic levels were proportioned out in accordance with EPA's 2000 human health criteria calculation guidance. For the most part, we used the BAF data provided in EPA's 2015 criteria update. A spreadsheet showing all calculations of TCEQ's revised human health criteria is posted on our website, and it includes a tab with all the BAF calculations.

QUESTION: The TCEQ asks dischargers to test for PCBs if they suspect it to be in their effluent. The TCEQ has standards for four PCB congeners (included with dioxins/furans), but there are a total of 12 congeners. Will TCEQ update the standards to include the remaining congeners? Can a permittee get limits for other congeners if they are not included in Table 2 of the TSWQS?

ANSWER: No other congener additions are planned at this time. Permittees should not anticipate receiving limits for congeners which do not have human health criteria in Table 2 of the TSWQS.

QUESTION: Ethylene glycol is a new addition to Table 2, and the calculated criteria are huge. How helpful is this?

ANSWER: The EPA noted it was discharged into Texas waters and asked us to consider its addition.

2:45 p.m. Toxic Criteria Updates to Inputs and Additions (Table 1 and 2), presented by Debbie Miller

Handout: Table 1: Changes to Toxic Criteria

- Ms. Miller discussed possible revisions to Table 1 of the TSWQS and discussed the handout referenced above. No slideshow presentation was given. Ms. Miller also reminded the group that the spreadsheet for calculating the revised human health criteria for Table 2 was on the [stakeholder group website](#) for their review.
- Ms. Miller also mentioned that the EPA is currently working on revisions to aquatic life criteria and/or guidance for the following:
 - Cadmium: These draft revisions have already been released for comment last year. The EPA expects to finalize these criteria in March 2016. They look much like the EPA's current recommendations for this metal.
 - Selenium: This is EPA's third try to develop tissue-based criteria for selenium. The draft criterion was out for comment last year, and the EPA expects to finalize the criterion this summer. The criterion has six "targets" as opposed to being a single criterion number: three are tissue-based and three are water column-based. The finalized document is expected to include implementation guidance.
 - The EPA is working on additional guidance for how to use the biotic ligand model this fall. The guidance will further explain the data requirements for the model.

General Discussion

No questions were asked by the group.

COMMENT: For clarification, the draft selenium criterion is for chronic freshwater only.

3:00 p.m. UAA Updates, presented by Jason Godeaux

Handout: Site-specific Changes 2017

- Mr. Godeaux discussed possible revisions to Appendix A and D of the TSWQS based on recent site-specific studies. The above referenced handout was discussed with the group.
- Jason Godeaux's contact information: jason.godeaux@tceq.texas.gov; 512-239-2495.

General Discussion

QUESTION: Are all of these changes to site specific uses and criteria changes based on Use Attainability Analyses (UAAs)? Are they available online?

ANSWER: All of the changes are based on the results of UAAs or Receiving Water Assessment studies. They are not available online, but Mr. Godeaux can send an electronic copy to anyone interested in a specific waterbody. Please email him with your request.

3:10 p.m. RUAA Updates, presented by Kate Lavelle

Handout: Recommendations for Recreational Use Changes

- Ms. Lavelle discussed possible revisions to Appendix G of the TSWQS based on recent recreational use-attainability studies. The above referenced handout was discussed with the group.
- Kate Lavelle's contact information: katherine.lavelle@tceq.texas.gov; 512-239-6011.

General Discussion

QUESTION: If comments are made on the draft recommendations for recreational use changes now, will that act as a comment on the 2017 standards revision? Will TCEQ respond?

ANSWER: No, the TCEQ will not formally respond to the comments given now. This extra comment period is given to ensure we have all possible information on a waterbody, and it is possible a comment given on the draft recommendations now could change what the TCEQ proposes in the 2017 revision. With that in mind, please do review and comment on the drafts.

QUESTION: Does TCEQ expect to utilize PCR2 in the coming standards?

ANSWER: That will depend largely on the timing of EPA's action letter.

QUESTION: Are any changes being made to the process of conducting a Recreation Use Attainability Analysis (RUAA)?

ANSWER: Not currently. Changes to the RUAA process don't have to be made through a standards revision. We have the flexibility to revise them as we discover what is and isn't working. They were last updated in 2014.

3:20 p.m. Nutrient Criteria Development Update, presented by Emily McArdle

- Ms. McArdle gave a status update on numeric nutrient criteria development and a summary of the contracts TCEQ has awarded this fiscal year in support of nutrient criteria development. Please see slide show entitled "Nutrient Criteria Development Update" with speaker notes for details.
- Emily McArdle's contact information: emily.mcardle@tceq.texas.gov; 512-239-6693.
- No new or revised numeric criteria are being considered during this revision cycle.

General Discussion

No questions were asked by the group.

Next Meeting Date, presented by Joe Martin

- Appreciation expressed for attending the meeting and participating.
- Next work group is currently planned for March 31.
- Once scheduled, a “save the date” announcement will be sent via the SWQSAWG listserv.