



# **Industrial Stormwater – Multi-Sector General Permit (MSGP) TXR050000 Renewal**

**TCEQ Stormwater Stakeholder Meeting**

TCEQ Water Quality Division - Stormwater Team

November 6, 2024



Texas Commission on Environmental Quality  
Stormwater Stakeholders Group (SWSG)\*  
***Multi-Sector General Permit TXR050000***

**Wednesday, November 6, 2024, 1:30 p.m.**

**In Person:** TCEQ Building F, Room 5118\*

**Virtual Meeting:** Via Microsoft Teams Live  
Microsoft Teams [Need help?](#)  
[Join the meeting now](#)  
Meeting ID: 299 208 191 860  
Passcode: 6y48gM

PUBLIC PARTICIPATION: To attend the webcast please click on the Microsoft Teams link above *at least 15-20 minutes prior to the start of the meeting:*

**TENTATIVE AGENDA**

1:30 p.m.    **Welcome and Introductions**    Rebecca L. Villalba

**Meeting Overview:**

Goals and Objectives    Rebecca L. Villalba

Update on the Renewal Timeline    Rebecca L. Villalba

Brief Overview of Existing TXR050000    Jesse Gress-Alamilla

Summary of Proposed Changes to TXR050000    Jesse Gress-Alamilla

**Stakeholder Discussion:**

- Stakeholders Input on Proposed Changes and Additional Comments on the Existing Permit

**Summary and Adjournment**    Rebecca L. Villalba

- Stakeholders comments due **Wednesday, November 20, 2024.**
- Send comments via email to [swgp@tceq.texas.gov](mailto:swgp@tceq.texas.gov) with a subject line of "MSGP 2026 Renewal"

# Goals and Objectives For Stakeholder Meeting



# 2025 Amendment to TPDES MSGP TXR050000

- TCEQ has initiated an **amendment *without renewal*** to the MSGP to implement:
  - **HB 1688** from the 88<sup>th</sup> Regular Legislative Session
  - Prohibits quarries located within water quality protected areas
  - **HB 2771** from the 86<sup>th</sup> Regular Legislative Session
  - Expands applicability for non-exempt oil and gas activities
- Currently in the 30-day public comment period
  - Ends **Monday November 11, 2024**
- Scheduled for issuance in **May 2025**

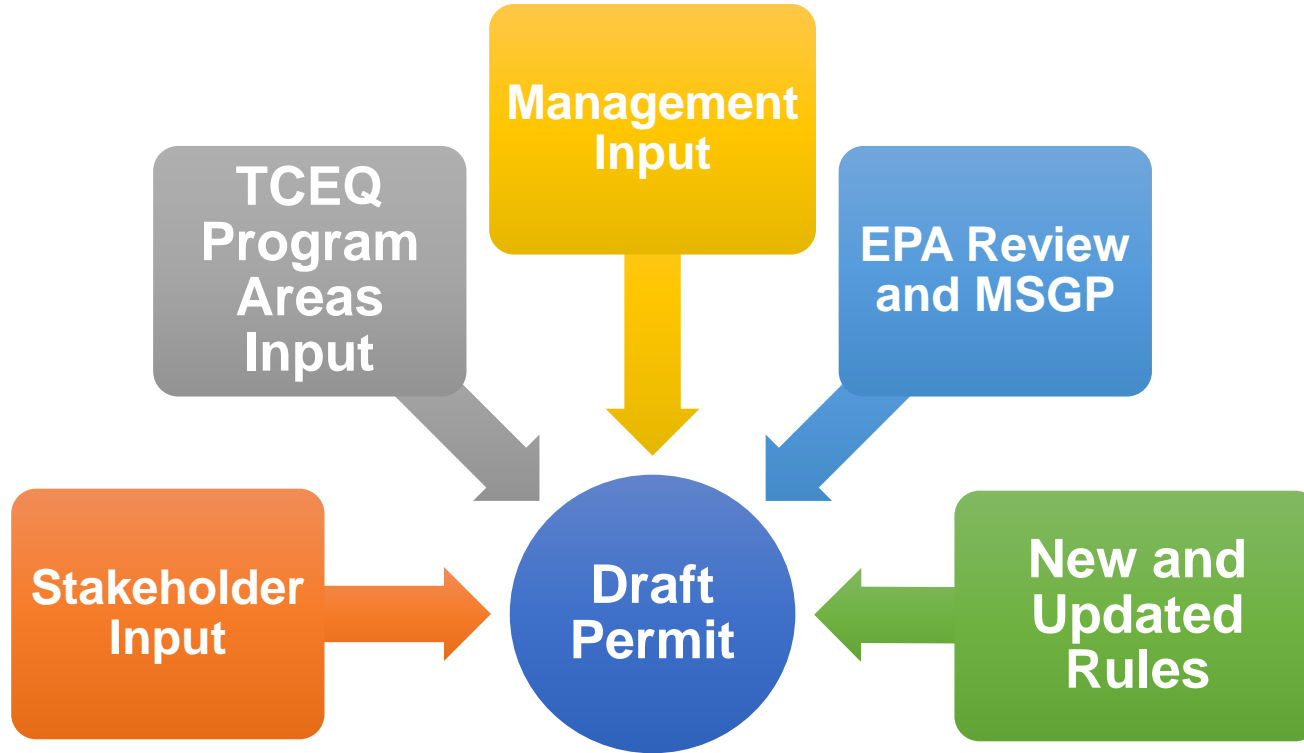
# 2026 Renewal TPDES MSGP TXR050000

## *Kick-off*

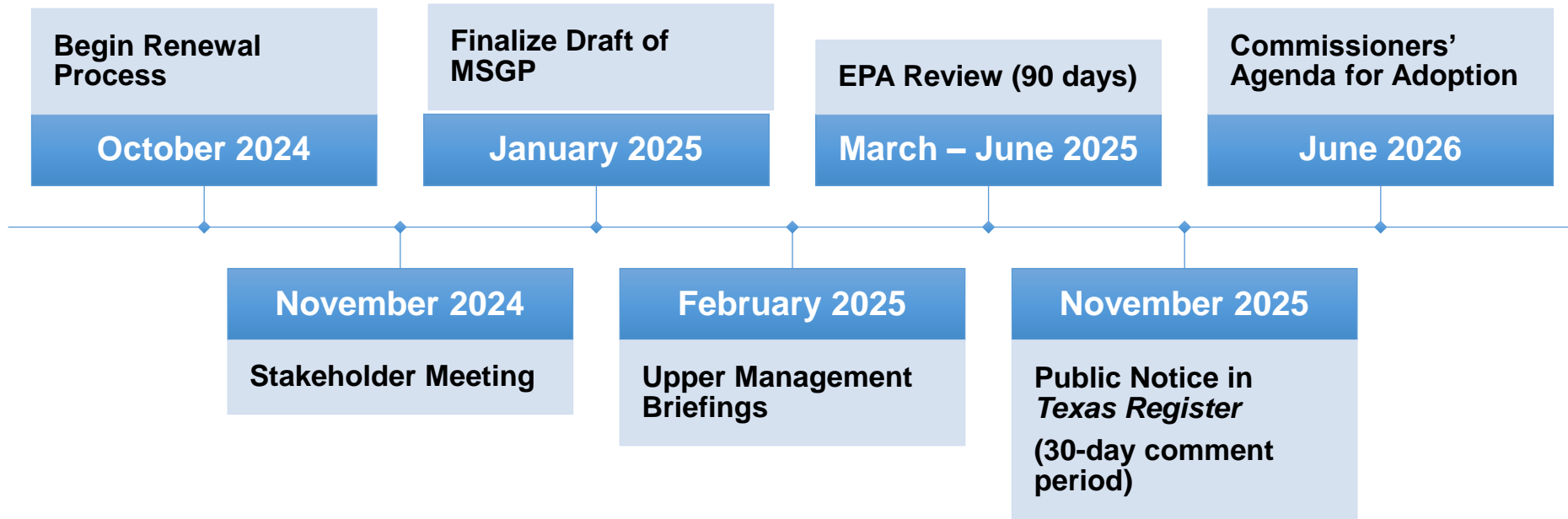
Renewal process began October 2024

- Renewal was announced to permittees and stakeholders via email
- Comments requested from existing permittees
- Internal comments requested from TCEQ program areas
- Reviewed comments received during current permit cycle
- Stakeholder meeting – November 6, 2024
  - Stakeholder comments due by **November 20, 2025**

# How Are Permit Renewal Changes Determined?



# 2026 MSGP Renewal Timeline



*NOTE: Tentative dates, subject to change.*

# TPDES MSGP TXR050000

- Effective August 14, 2021
- Expires August 14, 2026
- Authorizes point source discharges of:
  - “stormwater associated with industrial activity” and
  - certain non-stormwater discharges to surface waters in the state
- Stormwater discharges directly related to manufacturing, processing or raw materials storage areas at an industrial facility

## Texas Commission on Environmental Quality

P.O. Box 13087 Austin, Texas 78711-3087



### GENERAL PERMIT TO DISCHARGE UNDER THE

### TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of Section 402 of the Clean Water Act  
and Chapter 26 of the Texas Water Code

This permit supersedes and replaces  
TPDES General Permit No. TXR050000, issued August 14, 2016.

Facilities that discharge stormwater associated with industrial activity  
located in the state of Texas  
may discharge to surface water in the state

only according to effluent limitations, monitoring requirements and other conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the Commission of the TCEQ (Commission). The issuance of this general permit does not grant to the permittee(s) the right to use private or public property for conveyance of wastewater along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee(s) to acquire property rights as may be necessary to use the discharge route.

This permit and the authorization contained herein shall expire at midnight, five years from the permit effective date.

EFFECTIVE DATE: August 14, 2021

ISSUED DATE: July 16, 2021

A handwritten signature in blue ink, appearing to read "Jon Niemann".

Digitally signed by Jon Niemann  
Date: 2021.07.16 10:00:54 -0500

For the Commission

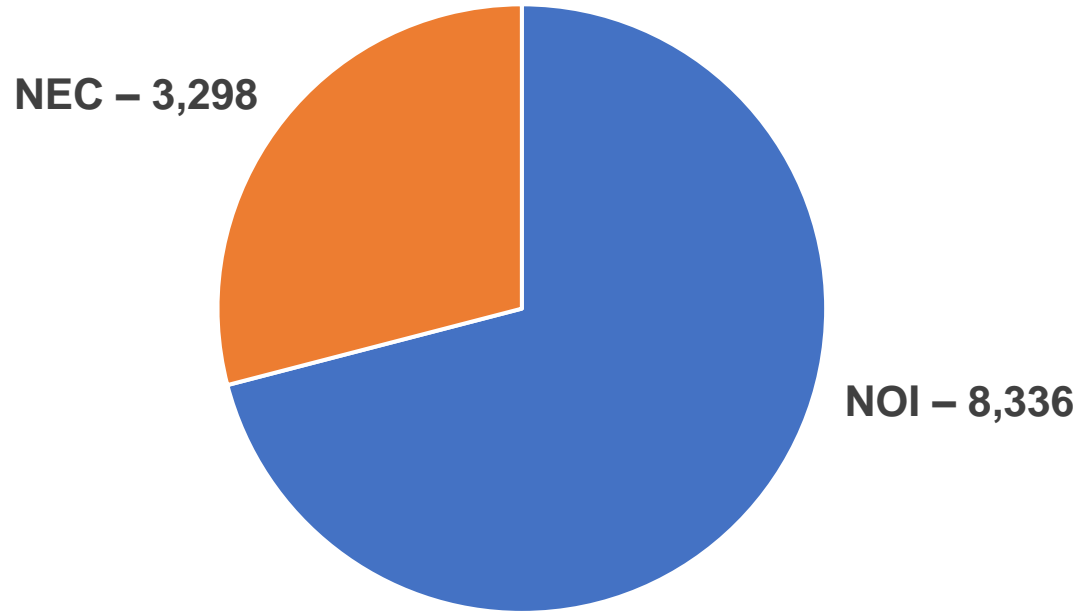


# MSGP Universe

Authorizations as of November 5, 2024

Authorizations are effective from the approval date of the Notice of Intent (NOI) until:

- Expiration of the master statewide MSGP; or
- Submittal of a Notice of Termination (NOT), whichever comes first.



# Regulated Discharges

- Stormwater discharges associated with industrial activity as defined in 40 Code of Federal Regulations (CFR) §122.26(b)(14)(i) - (xi)
- Coverage is based upon:
  - Standard Industrial Classification Codes (SIC) and Activity Codes
  - Discharges subject to federal effluent guidelines under 40 CFR Parts 400 - 471
- Divided into 30 Sectors: A to AD



# MSGP Requirements

Develop and implement a Stormwater Pollution Prevention Plan (SWP3)

Submit an application (Notice of Intent or No Exposure Certification)

Perform sampling for pollutants with numeric effluent limits, if required

Perform quarterly visual monitoring

Perform quarterly inspections of controls

Perform Benchmark sampling, if required

Annual Report

# Proposed Changes to Existing Permit

## *Editorial Changes*

- Formatting issues including font, font size, and paragraph format.
- Update file to meet TCEQ accessibility standards
- Sector Table Typos
  - Sector AB and AC
- Miscellaneous typos

# Proposed Changes to Existing Permit *SIC Code 1231*

Removal of SIC Code 1231 - Anthracite Mining

- OSHA *SIC Manual* specifies that this code identifies facilities located in Pennsylvania

# Proposed Changes to Existing Permit

## *Miscellaneous Items*

- Revision of Allowable Non-Stormwater Discharge
  - Clarify firefighting activity to state **Emergency** Fire-fighting
  - Consistent with the 2023 Construction General Permit
- Update references of Texas Health and Safety Code Chapter 361, Solid Waste Disposal
  - To *30 TAC Chapter 330, Municipal Solid Waste and 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste*

## Proposed Changes to Existing Permit *Miscellaneous Items*

- Specify home-rule municipality as established in 'Texas Statue'
  - As opposed to including the direct rule citation
- Update text to reflect up-to-date NetDMR reporting requirements
- Allow facilities to maintain an electronic SWP3
  - Consistent with the 2023 Construction General Permit

# Proposed Changes to Existing Permit *NOI and NOC*

- NOI Changes
  - Require an answer for the Longitude and Latitude
- NOC Changes
  - Include clarification for changes
    - Legal Name Change of same entity
    - Permitted Site Name



# Proposed Changes to Existing Permit

## *Clarification of text – Requirements for Military and Publicly Owned Facilities*

- Part II.A.5 – Requirements for Military and Publicly Owned Facilities
  - Has given reason to believe schools, universities, and other publicly owned facilities are required to obtain permit coverage.
  - Considering revising, providing guidance, or help in NOI help text.

### **5. Requirements for Military Installations and Other Publicly-Owned Facilities**

- (a) Stormwater discharges from military or other public installations or government institutions that conduct any industrial activities described by an SIC code or an industrial activity code that is listed in Part II, Section A.1. and Part V of this general permit, or that otherwise meet the conditions described in Part II, Section A.1.(a) relating to the need for a permit, must either be authorized under this general permit, an individual TPDES stormwater permit, or an alternative general permit. **For example, the SIC code of military installations is 9711 and the SIC code for universities is 8221, neither of which are listed in this general permit; however, the need for a permit will be based on individual activities that occur at the installation.**

# Proposed Changes to Existing Permit

## *Clarification of Text – Waiver Effectiveness*

- Part II Section B
- Subsection 7 (b)(3)d. – Impaired Water bodies and TMDL Requirements
  - Include text to clarify the waiver effectiveness for the remainder of the permit term

d. If the first year sampling results indicate that the discharge is below the level of concern or is not present in the discharge, then no additional sampling for the pollutant of concern is required.

# Proposed Changes to Existing Permit

## *Clarification of Text – Notification to TCEQ*

- Part IV.A.2(c) – Background Sampling
  - Specify notification to appropriate regional office

(c) the permittee notifies TCEQ in writing during the reporting period for the sampling period that the permittee determined the benchmark exceedance are attributable solely to natural background pollutant levels.

# Benchmark Monitoring Purpose

- Are not limits under the MSGP, but are to designated to drive the improvement of Water Quality in Texas
- Used to characterize the discharge from regulated activities
- Benchmarks only required for 21 sectors
- Exceedances are **not** considered as a permit violation subject to enforcement
- If monitoring results are higher than the benchmark values
  - Adjust best management practices and update SWP3.

# Benchmark Monitoring Overview

- Sampling data submitted to TCEQ by March 31 of each year
- Waiver available for Years 3 and 4
  - If monitoring results indicate no exceedances in Years 1 and 2
- First cycle in which reporting was completed using EPA's NetDMR reporting website
  - Proved to have pros and cons

# 2001 TCEQ's MSGP Benchmarks

- Used EPA's MSGP values from 1995
  - Changed them using Texas data during subsequent permit cycles
- “This data may result in additional industry specific-permit conditions that are water quality related, or may be utilized to support issuance of basin-wide general permits tailored to address more localized water quality concerns.”

# Historical Changes to Benchmark Values

**2006**

- 3 increased
- 7 decreased

**2011**

- 2 increased
- 8 decreased

**2016**

- 3 decreased

**2021**

- 2 decreased

# Using NetDMR



## Pros

- Facilitated Data access across regional offices and permitting
- Eliminated excess paper waste

## Cons

- New adjustment
- Prone to user data entry error



# MSGP Benchmark Analysis

## STEPS:

1. Review past analysis of benchmarks
  - Each permit term data are analyzed for setting future benchmarks
  - Benchmarks are typically near median values or higher
  - Benchmarks can be lowered or increased at pollutant level
2. Descriptive statistics (median, min/max, range, distribution)
3. Analyze and recommend proposed changes
  - Comparison of data over time – 2011 vs 2016 vs 2021 vs 2026
  - Comparison of 2021 permit cycle data to current benchmarks
  - Graph data

## 2021 Changes to Benchmark Values

- Lowered TSS values from 100 mg/L to 50 mg/L for Sector U, Food and Kindred Products Facilities (SIC codes 2074 – 2079)
  - Median of 69.7625 mg/L
  - Will allow for another permit cycle to make room for adjustment
- Lowered BOD5 values from 20 mg/L to 15 mg/L for Sector T, Treatment Works (Activity code TW)
  - Median of 6.075 mg/L

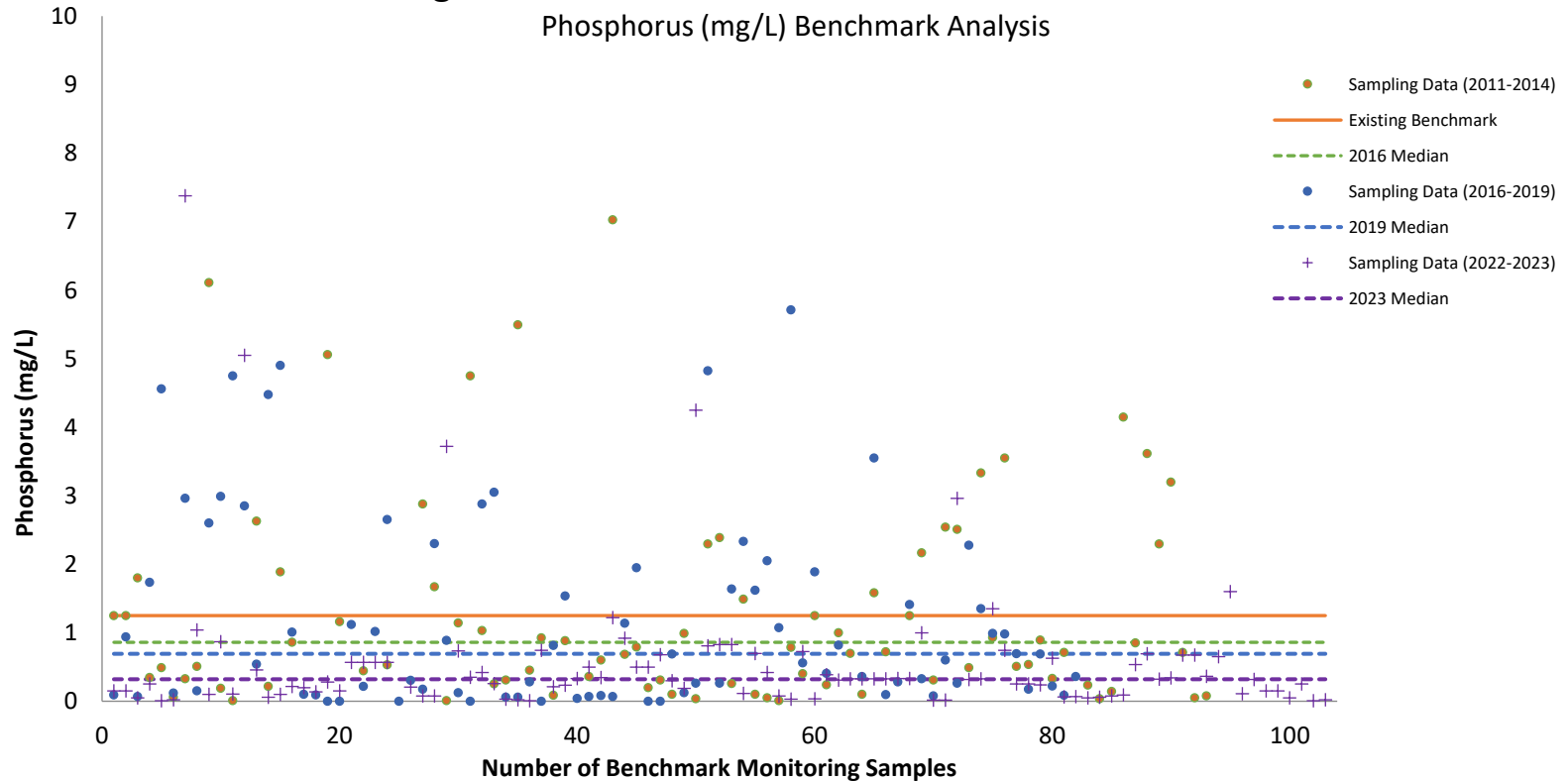
# Summary of Proposed Changes to 2026 Benchmark Values

- Lower Phosphorous to 0.78 mg/L
  - Sector C
  - Current Benchmark value at 1.25 mg/L
  - Median of 0.321 mg/L
  - Average of 0.7807 mg/L
  - Median has been decreasing in previous cycles

# Sector C: Chemical and Allied Products Manufacturing Facilities

Agricultural Chemicals / SIC Codes 2873-2879

Phosphorus (mg/L) Benchmark Analysis



# Summary of Proposed Changes to 2026 Benchmark Values

- Lower Ammonia N to 1.0 mg/L
  - Sector K and S
  - Currently 1.7 mg/L
  - Median of 0.179 and 0.0895 mg/L
- Lower Iron to 1.0 mg/L
  - Currently 1.3 mg/L
  - 4 of 12 groups that may have difficulty meeting benchmark

# Summary of Proposed Changes to 2026 Benchmark Values

- Lower Cyanide to 0.01 mg/L
  - Currently 0.02 mg/L
  - Pollutant median is 0.003 mg/L
- Lower Nitrate + Nitrite Nitrogen to 0.6 mg/L
  - Currently 0.68 mg/L
  - Pollutant median is 0.561
- Lower Zinc to 0.12 mg/L
  - Currently 0.16 mg/L
  - Pollutant median is 0.12mg/L

# Proposed Changes to Existing Permit

## *Other Potential Changes*

- Other items that might affect TCEQ's 2026 MSGP
  - EPA's 2025 MSGP
    - Draft expected December 2024
- EPA Review
  - To determine required revisions to proposed draft general permit

# Stakeholder Comments and Input

Submit comments to [SWGP@tceq.texas.gov](mailto:SWGP@tceq.texas.gov)


by November 20, 2024

Subject Line: “2026 MSGP Renewal”




# Stormwater Permitting Contacts

## Stormwater Team

 512-239-4671

 [SWGP@tceq.texas.gov](mailto:SWGP@tceq.texas.gov)

## Stormwater Processing Center

 512-239-3700

 [SWPermit@tceq.texas.gov](mailto:SWPermit@tceq.texas.gov)

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- Jeneane Toliver, SWPC
- Carol Lee Trucksess, SWPC



# Questions?

TCEQ Water Quality Division

**Stormwater Team**