TCEQ Water Quality Advisory Work Group (WQAWG)
Stakeholder Meeting
January 13, 2026 @ 1:30 PM
Building F, Room 2210

Meeting Summary

Moderator: Gregg Easley
Welcome and Introductions

Permitting Program Updates:

89th Texas Legislative Session Implementation Activities

HB 3333 – Devils River Permitting Restrictions — Gregg Easley

HB 3333 added a new section to Chapter 26 of the Texas Water Code that prohibits the issuance of a new domestic or industrial wastewater permit anywhere in the Devils River watershed in Val Verde County. We are already implementing the new statute in our permitting program as of September 1, 2025, in our reviews of wastewater applications received on or after that date. While not required by the legislation, we will also be initiating rulemaking to add a new subchapter to the watershed protection rules in 30 TAC Chapter 311 by the end of 2026 to memorialize the new permitting restrictions.

HB 609 – Oyster Mariculture — Mike Aplin

HB 609 became effective September 1, 2025. It allows cleaning of a structure used to grow oysters for cultivated oyster mariculture over a water in the state. General Permit No. TXG130000 is being revised to allow for cleaning of oyster mariculture growth structures over water in the state. TXG130000, the general permit for Aquaculture, was discussed later in the agenda.

SB 1302 – General Permit Eligibility Requirements — Mike Aplin

SB 1302 amended Section 26.040 of the Texas Water Code (TWC) by adding two new subsections (h-1) & (h-2). Beginning September 1, 2025, those new subsections prohibit an entity that has been denied or had suspended a general permit due to an Unsatisfactory Compliance History (CH) rating from eligibility to get or renew a general permit unless the executive director actively authorizes the discharger to use the general permit and the discharger cannot use an automated process to get such an authorization.

TCEQ will implement this change by amending Chapter 205 of the Texas Administrative Code to mirror the TWC requirements; amend the 17 general permits with the new requirements in a phased-in approach as each comes up for its 5-year renewal; and update existing agency technology tools to facilitate the change. The goal is to have the rule changes adopted by the end of 2026.

SB 1145 – Produced Water Land Application Permitting — Shannon Gibson

SB 1145 amended TWC, §26.131 to transfer authority from the Railroad Commission of Texas (RRC) to TCEQ to issue permits for the land application of water produced from certain mining and oil and gas extraction operations. The bill requires TCEQ to establish a new permitting program and application review process. To support the new program, TCEQ will develop application forms, SOPs, and regulatory guidance. TCEQ has received permit files and pilot

study files from RRC and is beginning to review those files as well. TCEQ will conduct rulemaking to implement the requirements of this bill.

Specifically, TCEQ has initiated a rulemaking to update the *Memorandum of Understanding between the Railroad Commission of Texas and the Texas Commission on Environmental Quality* located under Section 7.117 of the Administrative Code, to transfer permitting authority from RRC to TCEQ for the land application of water produced from certain mining and oil and gas extraction operations. In addition to SB 1145, this rulemaking will also implement the following bills from previous legislative sessions:

- SB 786 (88th Texas Legislature, 2023) which added TWC, §27.037, Jurisdiction Over Closed-Loop Geothermal Injection Wells, defining "closed-loop geothermal injection well" and transferring jurisdiction of closed-loop geothermal injection wells from TCEQ to RRC,
- SB 1186 (88th Texas Legislature, 2023) which granted RRC jurisdiction over brine mining, added a definition of "brine mining", clarified that RRC jurisdiction includes the authority to regulate both brine production wells and brine injection wells, and instructed RRC to seek delegation of EPA authority for this type of Class V injection well, and
- HB 1284 (87th Texas Legislature, 2021) which consolidated the jurisdiction over onshore and offshore Class VI injection wells used for geologic sequestration and storage of carbon dioxide (CO2) solely to RRC once primacy of this permitting program is obtained from EPA and required TCEQ to issue a letter of determination to the applicant who is pursuing a Class VI CO2 authorization from RRC.

TCEQ anticipates taking this rulemaking before the commissioners for proposal this spring (May-2026) and for adoption next summer (September-2027).

Additionally, TCEQ has initiated a second rulemaking to implement SB 1145 that will amend 30 TAC Chapter 309, relating to *Domestic Wastewater Effluent Limitations and Plant Siting*, to clarify applicability and requirements for land application of produced water. This rulemaking also proposes to rename the title of Chapter 309 to *Wastewater Effluent Limitations and Plant Siting*. This second rulemaking will also amend 30 TAC Chapter 210, relating to *Use of Reclaimed Water*, to ensure that produced water that has been treated for beneficial may be used as an industrial reclaimed water source.

TCEQ anticipates taking this rulemaking before the commissioners for proposal this spring (April-2026) and for adoption next summer (August-2027).

SB 2307 – Expedited LNG Permits

SB 2037 established an expedited permit application review and contested case procedures for environmental permits involving a project to construct or modify a liquefied natural gas export terminal; authorizing a fee. The bill requires TCEQ to establish a new expedited permitting program and application review process. To support the new program, TCEQ will develop application forms, SOPs, and regulatory guidance. TCEQ will conduct rulemaking to implement the requirements of this bill.

Specifically, TCEQ is planning to initiate a rulemaking to amend 30 TAC Chapter 318 to add new Subchapter E, General Requirements for Liquified Natural Gas Export Terminal Discharges, to establish an expedited permitting process for LNG terminals. This rulemaking will also rename the chapter from "Expedited Water Quality Permits" from "Marine Seawater Desalination Discharges" for consistency with the topics of the subchapters, including new subchapter E.

TCEQ is also planning to initiate a rulemaking to amend public participation rules once the current rulemaking has been completed. More details on the name of that rulemaking will be provided on the next WQAWG.

TCEQ is already working to expedite LNG applications submitted after the effective date of the bill.

HB 4112 – High-Level Radioactive Waste Rebecca Villalba

- As a result of House Bill 4112 from the 89th Legislative Session, we revised the application forms for the CGP and MSGP in the ePermits system.
    - Updated CGP application forms released on Nov. 15
    - Updated MSGP application forms released on Dec. 19
- The applications now include the prohibition of discharges associated with the operation of a facility that is licensed for the *storage* or *disposal* of high-level radioactive waste by the United States Nuclear Regulatory Commission (USNRC) under 10 CFR Part 72 based on Texas Health Code, §401.0525.

Phase II MS4 General Permit (TXR040000) Applications and Annual Reports Rebecca Villalba

- This general permit regulates stormwater discharges from Phase II or small MS4s located in regulated urban areas with a population of 50,000 or more. It was renewed on August 15, 2024.
- Currently reviewing renewal and new applications. The deadline to submit an application was Feb. 11, 2025.
    - Applications submitted electronically via the Texas NeT-MS4 application system developed by EPA.
    - **Denial (as a Notice of Deficiency)**
        - ♣ If you receive notification from the NeT-MS4 system that your application was denied, you will need to address TCEQ's comments and resubmit your application.
        - ♣ Will appear as new NOI submittal in NeT-MS4.
    - **Denial**
        - ♣ Incorrect application type
        - ♣ Unsatisfactory Compliance History Rating
        - ♣ Outstanding fees/unpaid delinquent fees
        - ♣ Waiver eligibility is not met for population criteria or MS4 discharges to water body with an approved TMDL with stormwater controls.
    - **Approval**
        - ♣ You will receive confirmation from the NeT-MS4 system that your application has been approved.
        - ♣ The letter and certificate will be sent automatically as an email from the NeT-MS4 system.
- Status of Applications
    - NOIs Approved: 269
    - Submitted (On Hold): 385
    - Reviewed 63% of universe: 433
        - ♣ The vast majority of the MS4 applications reviewed have required at least one round of NOD's.
- Once Approved: Begin implementation of renewed/new authorization and their 2024 SWMP and the associated BMPs. Begin tracking and measuring activities/BMPs.
- Changes to information in the NOI or Waiver after receiving approval can be made by submitting a **Notice of Change (NOC)** through the NeT-MS4 system.

- **Reporting Period** – Calendar Year (January 1 – December 31)
  - 2019 General Permit Cycle: Year ends when you receive approval of your renewal application
  - 2024 General Permit Cycle: Year 1 starts when you receive approval of your renewal or new application
- **Annual Reports**
  - The development of the Annual Report Module in the Texas NeT-MS4 system has been paused by EPA since April 2025 due to limited resources. Unknown when EPA will resume the development.
  - Annual reports under the 2024 general permit term will not be submitted electronically until further notice is provided by TCEQ.
  - **2019 General Permit Cycle**: continue to report via paper hard copy using the 2019 annual report template until your renewal application is approved by TCEQ.
  - **2024 General Permit Cycle**: continue to report via paper hard copy using the 2024 annual report template.
  - **Duly Authorized Representatives (DAR)** may be designated in Net-MS4 to sign annual reports
    - Must meet the requirements of 30 TAC § 305.128 Signatories to Report
    - Submit the form prior to submitting your annual report to TCEQ

Homeland Security Annual Contact Information Update — Bridget Malone

Wastewater treatment plants and facilities will need to update Homeland Security contacts and verify all other information within the Water Quality Emergency Preparedness module (WQ EPS) in STEERS for permitted wastewater treatment facilities. This information is crucial for emergency preparedness and response efforts. You can find more information on the TCEQ website at: Homeland Security Contact Information - Texas Commission on Environmental Quality - www.tceq.texas.gov.

General Permit Updates:

Multi-Sector General Permit (TXR050000) 2026 Renewal — Jesse Gress-Alamilla

- This general permit regulates stormwater discharges from industrial activities and expires on August 14, 2026.
- TCEQ initiated the 2026 renewal of the general permit and is currently at the end of the proposal phase of the general permit renewal process.
- TCEQ held a Stakeholder meeting to discuss the renewal on November 6, 2024, and received comments from stakeholders until November 20, 2024.
- On May 21, 2025, TCEQ sent the draft MSGP to EPA for their 90-day review. On August 18, 2025, TCEQ received a response letter from EPA with approval to proceed with the issuance of the draft general permit without comments or revisions.
- Major Proposed Changes include:
  - Moved the tables listing the regulated SIC codes and North American Industrial Classification System (NAICS) codes from Part II of the 2021 MSGP to Appendix A. This change will allow the reader to access the permit requirements immediately instead of scrolling through over 70 pages of tables.
  - The 2017 NAICS codes were updated in 2022 by the NAICS Association. TCEQ updated the SIC/NAICS codes tables to reflect these changes in the MSGP.
  - Removed SIC code 1231 for Anthracite Mining from Sector H and the SIC/NAICS codes tables because it is not applicable in Texas. The Occupational Health and Safety Administration's SIC Manual description of this SIC code only includes facilities located in Pennsylvania.

- Clarified in Part II.D.9 that applications must be submitted to any municipal separate storm sewer system (MS4) receiving discharges whether the MS4 is regulated by TCEQ or not.
- Added in Part II.A the option for preparing and maintaining an electronic SWP3 for consistency with the Construction General Permit No. TXR150000.
- Added in Part II.D.2(b) that substantially similar outfalls may not be established for Water Quality Monitoring Requirements of Part III.B.4
- Changed six benchmark values based on data collected and analyzed during the current permit term:
  - Sector C: Lowered Phosphorus from 1.25 milligrams per liter (mg/L) to 0.78 mg/L.
  - Sectors K and S: Lowered Ammonia Nitrogen from 1.7 mg/L to 1.0 mg/L
  - Sectors C, E-H, L, M-O, Q, and AA: Lowered Iron from 1.3 mg/L to 1.0 mg/L.
  - Sector K: Lowered Cyanide from 0.02 mg/L to 0.01 mg/L.
  - Sectors C, G, J, U, and AA: Lowered Nitrate+Nitrite Nitrogen from 0.68 mg/L to 0.60 mg/L.
  - Sectors A, C, F, H, N, Q, Y, and AA: Lowered Zinc from 0.16 mg/L to 0.12 mg/L.
- Added the definition of High-Level Radioactive Waste in Part I, added Part II.B.17 to include the provision to prohibit authorization of discharges associated with the operation of a facility that is licensed for the *storage* of high-level radioactive waste by the United States Nuclear Regulatory Commission (USNRC) under 10 CFR Part 72 based on Texas Health Code, §401.0525. This revision implements House Bill 7 from the second special session of the 87th Legislature, 2021.
- As a result of House Bill 4112 from the 89th Legislative Session, we revised the MSGP to also include the prohibition of discharges associated with the operation of a facility that is licensed for the *disposal* of high-level radioactive.

- The general permit underwent a 30-day public comment period from November 14 to December 15, 2025.
  - The notice was published in the *Houston Chronicle* and *Texas Register*.
- A public meeting was held on December 15, 2025, at the TCEQ Austin HQs Agenda Room.
- As a result of the public comment period, TCEQ received *9 comment submissions* compiled into *14 different separate comments*. TCEQ is currently in the process of carefully reviewing every comment individually in preparation of a Response to Comments document.
- Following the development of the Response To Comments document, TCEQ will be moving forward with management briefings in preparation for adoption.
- The general permit is tentatively scheduled to go to Commissioners Agenda for consideration for adoption in late July/early August 2026

Aquaculture General Permit (TXG130000) Mike Aplin

TCEQ is proposing to renew and amend the Aquaculture General Permit No. TXG130000, which authorizes discharges from an aquaculture facility or a related aquaculture activity. The renewal will replace the current permit when it expires on April 18, 2026.
EPA reviewed the draft permit package and provided approval in a letter dated May 27, 2025.
Significant changes to the general permit include:
Revise the definition of wastewater to include water from the washdown, cleaning, and flushing of sorters and tumblers, types of processing equipment now commonly used in oyster mariculture.
Revise Part III to allow level V facilities (i.e., oyster mariculture) to clean system components in or over water in the state.
Notice was published in the Houston Chronicle and Texas Register on August 22, 2025, and a public meeting was held and the comment period closed at the end of the day on September

22, 2025. No public comments were received, and the amended permit is scheduled for adoption at the Commissioners' Agenda on February 11, 2026.

Concrete Batch General Permit (TXG110000) Mike Aplin

TCEQ is proposing to renew the Concrete Batch General Permit, TXG110000, which Authorizes discharges from ready-mixed concrete plants, concrete products plants, and their associated facilities. The amendment with renewal will replace the current permit when it expires on November 7, 2026. The draft permit was sent to EPA for their 90-day review on 10/10/2025. EPA reviewed the draft permit package and provided approval in a letter dated January 9, 2026.

Pesticides General Permit (TXG870000) Brian Sierant

TCEQ is proposing to renew and amend the pesticides general permit authorizing the application of pesticides into or over and near waters of the U.S. for the control of pests consisting of mosquitos and other insects; vegetation and algae animal; and area-wide and forest canopy

The amendments are for consistency with the EPA NPDES Pesticides General Permit. This requires Level IA Operators to document visual evaluation and additional monitoring of discharge management plan in accordance with 30 Texas Administrative Code §305.44.

Currently, there are 17 facilities authorized under the existing general permit by Notice of Intent submittal comprising of mainly Cities, Counties, Texas Parks and Wildlife Department and the Trinity Bay Conservation District.

On August 20, 2025, TCEQ received a no objection letter from EPA with approval to proceed with the issuance of the draft general permit.

The notice will be published in the Houston chronicle and Texas register on January 23, 2026, and a public meeting will be held on February 23, 2026, in the Commissioner's Agenda Room and we will also place the notice documents on our GP webpage. February 23rd will also be the end of comment date.

Rule Updates:

Design Criteria Rules – Proposed 30 TAC Chapters 217 and 222 Amendment Bridget Malone

The revisions include:

- making changes to Subchapter C for collections system requirements, particularly expanding the section on reclaimed water distribution systems
- updating the emergency power requirements for critical components of both the collection systems and the wastewater treatment facilities
- adding new requirements for nutrient removal
- moving Chapter 222, Subchapter D for Subsurface Area Drip Disposal Systems into Chapter 217 as new Subchapter I, and repealing Chapter 222, Subchapter D

Questions & Answers

Gregg Easley

Announcements:

- The next WQAWG Meeting will be held on April 14, 2026 at 1:30 pm in TCEQ Building F, Room 2210.

- The annual TCEQ Environmental Trade Fair and Conference will take place on May 19-20 at the Henry B. Gonzalez Convention Center in San Antonio. Additional details can be found at https://www.tceq.texas.gov/p2/events/etfc.