TCEQ Water Quality Advisory Work Group (WQAWG)
Stakeholder Meeting
July 14, 2026 @ 1:30 PM
Building F, Room 2210

AGENDA

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 became effective on September 1, 2025. The new section in Chapter 26 of the Texas Water Code that was created by the bill (26.0275) prohibits TCEQ from issuing a new permit for any domestic or industrial wastewater treatment facility to discharge into the Devils River or any other water bodies within its drainage area in Val Verde County.

The bill doesn't affect the issuance of general or individual permits for municipal separate storm sewer systems or general permits for stormwater and associated non-stormwater discharges. The statute applies to permit applications submitted to the TCEQ on or after September 1, 2025.

The bill does not require any rulemaking or related activities, and while the Water Quality Division considered adding the discharge prohibition to existing watershed protection rules in Ch. 311 of the Texas Administrative Code, we decided not to proceed with rulemaking. However, we do plan to add a reference to the new law in our next proposed revision of our permitting guidance document, the Procedures to Implement the Texas Surface Water Quality Standards. We will continue to provide updates on those activities.

SB 1302 – General Permit Eligibility Requirements Shannon Gibson
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. In addition, it prohibits the TCEQ from using an automated process to grant a discharger such an authorization.
TCEQ is implementing this change by amending Chapter 205 of the Texas Administrative Code to mirror the TWC requirements; amending the 17 general permits with the new requirements in a phased-in approach as each comes up for its 5-year renewal; and updating existing agency technology tools to facilitate the change. This rulemaking is scheduled to go before Commissioners' agenda for proposal on August 12, 2026, and we anticipate publication in the Texas register on August 28, 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 §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 winter (November 2026) and for adoption next summer (September 2027).

Additionally, TCEQ has initiated a second rulemaking to implement SB 1145 to 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 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 the Use of Reclaimed Water, to ensure that produced water that has been treated for beneficial may be used as an industrial reclaimed water source. WQD took this before the commissioners for proposal at their agenda meet on April 30, 2026. Notice was published on May 15, 2026, in the Texas Register and the comment period for this rulemaking closed on June 16, 2026. We are currently working on the executive director's response to public comments and anticipate taking this before the commission again late this fall.

SB 2307 – Expedited LN Permits — Shannon Gibson

SB 2037 amended the TWC to establish 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, as well as authorized 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 is initiating a rulemaking to implement the requirements of this bill. Specifically, TCEQ is proposing 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 subchapters E.

Rulemaking would also amend 30 TAC Chapters 39, 55, and 80, as necessary, to implement the new public notice and CCH requirements as well as the 120-day response to comment deadline. TCEQ anticipates taking this rulemaking before the commissioners for proposal this fall (October 2026) and for adoption next spring (May 2027).

Homeland Security Annual Contact Information Update — Bridget Malone

Updates will need to be submitted through the online STEERS e-permitting system using the Water Quality Emergency Preparedness System (WQ EPS) module. If you have NOT received this notification at all this year, then it is likely that the contact information in STEERS has not been updated and is outdated or incorrect.

This year, notifications were sent through the mail AND email but will transition to mostly electronic deliveries of the annual update notifications moving forward.

For questions or assistance, please contact the TCEQ Water Quality Division at Homeland@tceq.texas.gov.

Revisions to the *Procedures to Implement the Texas Surface Water Quality Standards* Peter Schaefer

IP revisions were paused for some internal considerations pertaining to a potential addition to the TSWQS. Those considerations were resolved, and the IP revisions are once again moving forward toward adoption.

Estimated IP revisions timeline:

- EPA 30-day Review: Fall 2026
- Anticipated Proposal Agenda Date: Fall 2026
- Anticipated Public Comment Period: Winter 2026
- Anticipated Adoption Date: Summer 2027
- We plan to put IPs on WEB for early viewing prior to formally being released for public comment. We will notify those on the WQAWG listserv when they are available on the web.

Proposed Revisions to IPs:

General updates throughout document to improve readability

Some re-arranging of document to improve readability and organization

pH screening procedures for certain entities that discharge directly to a classified segment.

Updates to WET procedures to reflect current practice based on EPA-approved process. Procedures for Reasonable Potential Analysis for whole effluent toxicity testing have been revised and included in this IPs revision.

Updates to federally listed threatened and endangered species. Inclusion of newly listed species (mussels, salamanders, minnows) and removal of de-listed species (snake, bird)

Updates to critical low-flow (7Q2) and harmonic mean (HM) flow data for classified segments.

Updates to classified segment ambient water quality values.

Updates to Toxic pollutants without criteria – lipid correction factor no longer needed

Updates pertaining to Temporary Standards

Updates to bacteria section to align with TSWQS to include PCR, SCR 1 and 2, and NCR

Inclusion to address HB3333 regarding a prohibition to discharge to the Devils River and associated watershed in Val Verde County.

General Permit Updates:

Concrete Batch General Permit (TXG110000) Shannon Gibson

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. EPA reviewed the draft permit package and provided approval in a letter dated January 9, 2026. Notice was published in the Houston Chronicle and Texas Register on March 27, 2026. A hybrid in person/online public meeting was held on April 27, 2026, at the TCEQ and virtually on MS Teams and

the public comment period close at the end of that day, April 27, 2026. Comments were received on the draft general permit package, and a response to comments document was prepared. This general permit is currently scheduled for adoption at the September 23, 2026, Commissioner's agenda

Petroleum Bulk Storage and Terminals (TXG340000) Shannon Gibson

TCEQ is proposing to renew and amend the Petroleum Bulk Stations and Terminals general permit (TXG340000) authorizing discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals. The current expires on October 24, 2027. TCEQ anticipates sharing the draft general permit with EPA this fall and publishing notice in spring 2027.

Pesticides General Permit (TXG870000) Brian Sierant

TCEQ is proposing to renew and amend the pesticides general permit or PGP (TXG870000) authorizing the application of pesticides into, over, or near waters of the U.S. for the control of mosquitoes, other insects, vegetation and algae, and other animal pests. The current PGP expires on November 2, 2026. The proposed amendments are for consistency with the EPA NPDES Pesticides General Permit. The changes would require Level IA Operators to:

- Document visual evaluation and additional monitoring of the treatment area,
- Keep pre- and post-application records of the visual evaluation, and
- Sign up for the pesticide discharge management plan in accordance with 30 Texas Administrative Code §305.44.

TCEQ published notice of the draft PGP to solicit public comment in the Houston Chronicle and in the Texas Register on January 23, 2026. Public meetings were subsequently held on February 23, 2026, and March 17, 2026. Comments were received from five separate entities, and we will have an official response to these comments.

The GP is scheduled for August 12, 2026, Commission Agenda for adoption.

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 MSGP and is currently in the final steps of the Adoption 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, G, 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 hybrid in-person and virtual 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 *13 different separate comments*. TCEQ carefully reviewed every comment individually, prepared the Response to Comments document, and conducted management briefings in preparation for adoption.
- The general permit is scheduled to go to Commissioners Agenda for consideration for adoption tomorrow, July 15, 2026.
  - The proposed general permit, fact sheet, and Response to Comments documents are available in the Commissioners' Agenda webpage as part of the agenda backup documents. https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html
  - Commissioners Agenda will be held at TCEQ Headquarters in person Building E, Room 201S, starting at 9:30 a.m. and;
  - a virtual broadcast will be available through TCEQ's YouTube Channel https://www.youtube.com/user/TCEQNews/videos

- The adopted 2026 MSGP will be effective on August 14, 2026.
    - The 90-day renewal period will start on this date and end November 12, 2026.
    - During this renewal period, existing permittees will need to submit a *renewal* application (R-NOI or R-NEC, as applicable) if continued MSGP coverage is needed.
    - Authorizations not renewed by the deadline will expire.
- TCEQ will send out, as a courtesy, a postcard announcement to all permittees with active authorization.
    - This year, the postcard will be sent electronically via e-mail to those who have a valid e-mail address, and also a paper postcard will be sent via postal mail.
    - Please ensure that your information is updated in the system. If needed, submit a Notice of Change to update your information in our records.
- As a reminder, all active MSGP authorizations on September 1, 2026, will be assessed for the annual Water quality fee of $200. If MSGP authorization is no longer needed after August 31, 2026, we urge you to submit a Notice of Termination, otherwise, you will be assessed this annual fee.

Construction General Permit (TXR150000) 2028 Renewal — Benjamin Dixon

- The 2023 Construction General Permit, TXR150000, regulates discharges of stormwater associated with construction and construction support activities. This general permit is scheduled to expire on March 5, 2028.
- The Stormwater Permits Team has initiated the 2028 renewal of the CGP and is in the next stages of the Concept or development phase of the renewal process.
- First, internal outreach was sent to several relevant program areas within TCEQ and regulated Phase I and II MS4s. Preliminary changes to the general permit were developed based on the feedback/comments received and compiled during the past couple of years.
- TCEQ held a stakeholder meeting for the renewal of the CGP on June 9, 2026.
    - Preliminary proposed changes to the general permit were discussed in a presentation, and further input from stakeholders was gathered during this meeting.
    - Stakeholders had until June 23, 2026, to submit comments to TCEQ.
    - The meeting webcast, presentation slides, and handout of preliminary changes are posted on TCEQ's website at: **Stormwater Stakeholders Group (SWSG)** https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html
- The Stormwater Permits Team has compiled all the comments received, reviewed them, and is drafting the 2028 general permit based on the feedback received. Then the draft general permit will be sent for internal review to relevant program areas and then to management.
- The next major step is submittal of the draft general permit to U.S. EPA Region 6 for their 90-day review tentatively scheduled in the Fall of 2026.

Rule Updates:

CAFO Mortality Disposal Rule Petition – 30 TAC Chapter 321, Subchapter — Brian Sierrant

- TCEQ received a petition for rulemaking from Oberon Fuels, Inc. on January 12, 2026. The petition requested the commission to amend 30 Texas Administrative Code Chapter 321,

Control of Certain Activities by Rule, Subchapter B, and Concentrated Animal Feeding Operations.

- The petitioner specifically requests to amend Section 321.39 to allow for the disposal of animal mortalities in any liquid manure or process wastewater system that has been approved by the executive director for that use.

- The rule petition was presented to the commissioners at the March 11th Agenda meeting where they decided to grant the petition to initiate rulemaking, which will include a public participation component. The Water Quality Division is in the process of developing a schedule for the rulemaking process and will provide further details once the schedule is finalized. The anticipated proposal date is November 18, 2026.

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

- The initial kickoff meeting was held back in November 2020, and comments from stakeholders were submitted for consideration in November 2021.
    - Multiple stakeholder meetings were held throughout 2023 and 2024 and comments from each of these meetings were considered with these proposed revisions that were included in the draft of the Rule Revisions and Preamble
    - WQD received comments back from Legal/Litigation on April 28, 2026, and July 6, 2026.

- 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
    - potentially moving Chapter 222, subchapter D for Subsurface Area Drip Disposal Systems into Chapter 217 as new subchapter I, and repealing Chapter 222, subchapter D

Reminder to permittees to include a DIGITAL COPY of your plans and specs for reviews. The Water Quality Division is working to reduce paper accumulation within the agency and streamline our recordkeeping process. Due to space constraints within our office, the paper rolls can no longer be stored within the agency, and it is preferred that permittees will need to:

- submit a flash drive with your STL;
- submit them electronically to the TCEQ through TCEQ Send which is a Filedrop method. If you need to send some files to a TCEQ employee, please reach out to them via email for instructions or a link and we will include some helpful links in these notes for the Advisory Workgroup page.
    - Downloading or Transferring Files - Texas Commission on Environmental Quality - www.tceq.texas.gov
    - Help | TCEQ Send

Questions & Answers Gregg Easley

Announcements:

- The next WQAWG Meeting will be held on October 13, 2026, at 1:30 pm in TCEQ Building F, Room 2210.