TCEQ Water Quality Advisory Work Group (WQAWG)
Stakeholder Meeting

January 20, 2022 @ 1:30 p.m.
Virtual Meeting via MS Teams Live Event

Final Meeting Summary

Moderator: **Gregg Easley**

Welcome and Introductions

Wastewater Permitting Process Updates

Efficiency Initiatives **Robert Sadlier**

- The TCEQ Water Quality Division (WQD) is focused on improving processes and efficiently issuing protective permits. As part of that effort, a subcommittee of WQAWG is being created. The subcommittee will provide opportunities for dialogue between TCEQ staff and stakeholders on the topics such as streamlining processes and addressing process pain points. The first subcommittee meeting is tentatively scheduled for the week of February 7th. You can request to participate in the subcommittee by emailing Outreach@tceq.texas.gov with the subject line "subcommittee" and requesting to join the mailing list.

Electronic Application Submissions **Erika Crespo**

- WQD is kindly requesting the voluntary submissions of electronic applications for permits, authorizations, and registrations that are issued by the division, in order to have the opportunity to reduce our administrative and technical reviews timeframes. WQD will continue to uphold our commitment to the division's mission in the completion of our public service work. More details regarding electronic application submissions can be found on our website at https://www.tceq.texas.gov/permitting/wastewater.

Mandatory Pre-application Meetings for Certain Permit Actions **Erika Crespo**

- WQD is committed to providing the best customer service to our regulated community during the front-end of our water quality permitting process. Therefore, it is now mandatory for applicants and permittees to schedule pre-application meetings with our administrative and technical review staff for all new and major amendment permit applications. Please feel free to schedule a pre-application meeting with us by calling 512-239-4671 or emailing us at WQAP@tceq.texas.gov.

Permitting Program-Specific Updates:

HB 2771 Implementation Activities **Dr. Cole Gray**

- HB 2771 (86th Session) requires transfer of state and federal regulatory authority from Environmental Protection Agency (EPA) and Railroad Commission (RRC) to Texas Commission on Environmental Quality (TCEQ) for oil and gas facilities.

- TCEQ's Water Quality Division (WQD) is drafting two general permits to replace the EPA's general permits.
    - TXG310000 for Onshore Stripper Wells, Coastal Facilities, and Territorial Seas Facilities.
    - WQG280000 for oil and gas facilities located over the outer continental shelf.

- Completed Implementation Activities:
    - Inventory of current RRC and EPA oil and gas permits.
    - TCEQ has completed the following assessments:
        - CORMIX dilution modeling to assess impacts of individual toxics relevant to produced wastewater.
        - Complex modeling to assess dissolved oxygen impacts of produced wastewater.

- Assessment of thermal impacts of produced wastewater.
- Assessment of pollutants associated with produced wastewater that TCEQ does not have currently established surface water quality standards.
- Assessment of the application of the 30 TAC Chapter 319 metals limits to produced wastewater, regarding whether that regulation authorizes exemption from applying such criteria

- Ongoing Implementation Activities:
  - Development, review, and revision of TPDES General Permit TXG310000
  - Development, review, and revision of TXG310000 Notice of Intent (NOI), Notice of Change (NOC), and Notice of Termination (NOT)
  - Providing regular guidance to oil and gas customers:
    - Answering questions
    - Providing updates on developments
    - Directing customers to available permitting options
    - Explaining and advising on available permitting options

- Upcoming Implementation Activities:
  - Final revisions to TXG310000 permit and fact sheet are scheduled to be completed by the end of this week.
  - Submission of TXG310000 permit package to the TCEQ non-rule team for review. Scheduled for the beginning of next week.

Updates to Homeland Security Contact Information Notifications **Paul Brochi**

Ongoing WQEPS activities

- WQEPS Data
  - Initial migration of data from the MS Access system to WQEPS completed in late July
  - WQD continuing to add remaining 2021 homeland update information into both systems
    - Scheduled completion of 2021 data entry is January 31, 2021
    - Currently at 85% complete
  - Finalizing development of the narration for the You Tube instructional videos for the use of the WQEPS system
  - Reviewing and finalizing the System User Manual
  - Reviewing and finalizing the online help
  - Working on an outreach calendar to demonstrate the WQEPS system
  - Plan to have active demonstrations

  - WateReuse Conference
  - Texas Water Conference
  - TCEQ Trade Fair Conference

- Use of WQEPS
  - Initial use of WQEPS will be for the 2022 annual Homeland Security Contact and Facility information update
  - Everything can be updated from your desk online

- Using of WQEPS
  - If never submitted a yearly update or you have a new permit the site data will be populated from the existing site data in TCEQ's Permit and Registration Information System (PARIS) data base

- Annual Process
  - TCEQ will send out a request for update (email)
  - Regulated entities will contact TCEQ WQD to obtain the key to enter the account
    - Each Water Quality permit will have a unique key
  - Regulated entities will use ER Account number and obtained key to obtain access to their respective data
  - Users will perform annual update of Contact and Site information
  - Users will electronically sign and submit information
  - User will receive a confirmation email of the submittal

Items to keep in mind

- If after review, the information does not need to be updated or any changes made user can click Save Next on each window and it would take a short time to perform the update
- Need to have the STEERS ER account number and a password to enter system
- Single Users can be associated to multiple WQ permit numbers
- Need a different Key code for each WQ permit being updated
- Regulated Entities can set users access limits (read, enter, submit)
- *The STEERS system has a 20 MINUTE limit for each window YOU MUST SAVE BEFORE THE 20-minute time out or data will be lost*

Suggestion to make process easier

- Have the following data gathered before you start entry
  - Contact info (Name, address, telephone numbers, primary of secondary)
  - Lift station information

- Name
- Latitude, Longitude
- Generator data size (voltage, KW, amperage, Phase, fuel type)
- Does your collection system accept wastewater from a secondary system?
- Need Name of system, contact name for system
- Lift station data for the secondary system

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

- IP revisions will follow behind Standards timeline. Revised timeline is currently being considered and will be provided when complete.
- Portions of the IPs proposed for revision:
  - Procedures for Reasonable Potential Analysis for whole effluent toxicity testing will be revised in the IPs. Same RP procedures that have been in use since an agreement was worked out with EPA in December 2015.
  - 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 federally listed threatened and endangered species.
  - Updates to Minimum Analytical Levels (MALs).
  - Inclusion of BEFs – Bioequivalency Factor for dioxin/furan screenings. Similar to those in use in the Great Lakes.
  - pH screening procedures for certain entities that discharge directly to a classified segment. These are the same procedures that have been in use since 2015.
  - Correcting errors/ommissions in current IPs.
  - Check our web page for draft documents. https://www.tceq.texas.gov/waterquality/standards/WQ_stds

Section 401 Water Quality Certification Rules and Procedures **Peter Schaefer**

- 2020 401 Certification Rule that was in effect on 9/11/2021 was vacated 10/21/2021 by California District Court.
- Rule now in effect are 401 certification rules promulgated by EPA in 1971.
- Our process remains the same though certain timeline requirements are no longer in effect.
- Our certifications provided under 2020 rule remain valid. Our certifications are performed to ensure consistency with TSWQS and those standards have not changed with the changing Federal Rules.
- We'll continue to accept prefiling meeting requests though this is no longer required
- 401 Certification Request – required.

  - Applicants should submit 401 Certification Request when USACE Public Notice for the project is released to facilitate streamlined parallel review process along with the USACE' 404 review. Ensures that we know what USACE permit is needed for proposed activity, that a 401 certification is needed, and that we are not too far ahead or behind the USACE' parallel review process.

- Reasonable Period of Time (RPOT) - The 2020 Rule required a RPOT be provided to the state 401 issuing authority which was a deadline in which a 401 certification must be provided or the USACE would assume waiver of the 401-certification decision. This RPOT is no longer valid, however TCEQ understands that the USACE has their own deadlines in which to issue the federal 404 permits, so we work closely with the USACE to ensure our 401 decision does not delay their 404 permit issuance. Therefore, our goal is to provide a 401-certification decision within 60 days of receiving a 401-certification request from an applicant – provided we have received the all the information required to make our decision.
- See TCEQ 401 web page for more information and for forms to submit when applying for 401 certification. https://www.tceq.texas.gov/permitting/401certification

General Permit Updates:

2022 Amendment of Construction General Permit (TXR150000) for Oil and Gas Rebecca Villalba

- This general permit regulates stormwater discharges from construction activities and expires on March 8, 2023.
- In early 2021, TCEQ initiated an amendment without renewal to the permit to expand the applicability for non-exempt oil and gas construction activities in response to the recent transfer of state and federal regulatory authority to TCEQ for discharges associated with crude oil and natural gas exploration, development, and production facilities.
  - This permit amendment will not have any impact on existing TXR150000 permittees. The expiration date will not change. Permittees will continue to operate under the terms and conditions of TCEQ's 2018 Construction General Permit (CGP).
  - Currently, existing oil and gas activity permittees continue to operate under EPA's issued CGP.
  - New oil and gas activities in Texas will continue to apply to EPA under the Texas CGP TXR10F000 that is part of EPA's national permits until TCEQ issues their amended TPDES CGP.
- The purpose of the amendment is to:
  - include in the general permit applicability non-exempt stormwater discharges from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities and
  - replace the EPA-issued NPDES CGP TXR10F000, effective June 27, 2019, an expires February 16, 2022.
- TCEQ sent the draft permit to EPA on April 15, 2021, and after two rounds of comments, EPA approved the permit on August 9, 2021.
- The proposed permit and fact sheet were published in the *Texas Register* and Houston Chronicle Newspaper on September 24, 2021, for a 30-day comment period. Comment period ended on October 25, 2021.

- Proposed changes include:
    - Expansion of the applicability of the general permit to include non-exempt stormwater discharges from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.
    - Operators with active authorizations under the existing general permit (effective March 5, 2018) will not be required to submit new or renewal NOIs and are authorized to continue to discharge under the terms and conditions of the existing general permit.
    - Operators authorized under the EPA-issued NPDES CGP that have ongoing construction activities will be required to obtain authorization under TCEQ's amended CGP within 90 days of the effective date of the amended general permit.

- This CGP amendment is scheduled to go before the commission on January 26, 2022, for approval of the proposed permit, fact sheet, and response to comments document.
- TCEQ anticipates issuing this permit amendment without renewal with an effective date of January 28, 2022.
- EPA's CGP was just issued January 18, 2022, with an effective date of February 16, 2022.

Exempt Oil and Gas Activities

- The CWA § 402(l)(2) provides that construction activities related to oil and gas exploration, production, processing, or treatment, or transmission activities are exempt from regulation under this permit. The term "oil and gas exploration, production, processing, or treatment operations or transmission facilities" is defined in 33 United States Code Annotated § 1362(24).
- The exemption in CWA § 402(l)(2) includes construction activities regardless of the amount of disturbed acreage, which are necessary to prepare a site for drilling and the movement and placement of drilling equipment, drilling waste management pits, in field treatment plants, and in field transportation infrastructure (e.g., crude oil and natural gas pipelines, natural gas treatment plants, and both natural gas transmission pipeline compressor and oil pumping stations) necessary for the operation of most producing oil and gas fields.
- The exemption does not include the construction of administrative buildings, parking lots, and roads servicing an administrative building at an oil and gas site, as these are considered traditional construction activities.
- For more information about exempt oil and gas activities, visit the following webpage: https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting

2023 Construction General Permit (TXR150000) Renewal **Rebecca Villalba**

- This general permit regulates stormwater discharges from construction activities and expires on March 5, 2023.
- The renewal process started in September 2021, and a stakeholder meeting was held on October 21, 2021, where we presented preliminary proposed changes. Stakeholders were given two weeks to provide input on the CGP.
    - Some of the preliminary proposed changes presented in this meeting included:

- Prohibiting permit coverage for the construction or operation of a facility that is licensed for the storage of high-level radioactivity waste in accordance with House Bill 007, 87th Legislative Special Session.
- Clarifying that large construction site notices must be maintained until final stabilization is achieved.
- Clarifying that compliance with the permit is required until termination of authorization.
- Additional requirements for site maps and descriptions to clearly identify property boundaries, soil disturbing activities must note phasing (including demolition activities).

- The full list of preliminary proposed changes and the information presented at the stakeholder meeting can be found on the Stormwater Stakeholders Group webpage at https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html
- Seven stakeholders provided written comments on the preliminary proposed changes. Each of these comments is being considered as we finalize the draft of the general permit.

- TCEQ is currently drafting the renewal permit and will begin management briefings for permission to send the draft CGP to EPA for their review and approval.
- The draft CGP is tentatively scheduled to go to public notice for a 30-day comment period by the end of this year.
- The renewal permit is expected to be effective on March 5, 2023.

Multi-Sector General Permit (TXR050000) – Implementation of Electronic Reporting **Macayla Coleman**

- This general permit regulates stormwater discharges from industrial activities.
- The general permit was reissued on August 14, 2021.
- All permittees under the MSGP must report monitoring data electronically through NetDMR unless they qualify for and obtain a waiver from electronic reporting.
- The NetDMR system is not yet ready for MSGP permittees to access. TCEQ is currently working with EPA to flow all of the necessary data into the system and expects the system to be ready later this month. Please check our webpages for updates at https://www.tceq.texas.gov/permitting/stormwater/industrial/TXR05_dmr.html
- TCEQ's Small Business and Local Government Assistance Group (SBLGA) is planning a free webinar about reporting MSGP monitoring data in NetDMR at a later date. Please check the webpages for updates.

Pesticide General Permit (TXG870000) **Shannon Gibson**

Authorizes the application of pesticides into or over, including near waters of the United States for the control of mosquito and other insect pests, vegetation and algae pests, animal pests, area-wide pests, and forest canopy pests

- Commission renewed October 20, 2021
- Facilities that are currently authorized under the general permit are required to submit a Notice of Intent (NOI) by February 1, 2022

Petroleum Bulk Stations and Terminals General Permit (TXG340000) **Shannon Gibson**

Authorizes 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

- TCEQ is proposing to renew and amend
- Current permit expires on October 24, 2022
- The draft permit is currently under development. Draft approved by EPA and next step is for the draft permit to go out for public notice (mid-March)

Concrete Batch General Permit (TXG110000) **Shannon Gibson**

Authorizes discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (SIC 3271, 3272, and 3273)

- Commission renewed October 20, 2021
- Facilities that are currently authorized under the general permit are required to submit a renewal Notice of Intent (NOI) by February 5, 2022
- The NOI must be submitted online through ePermit

Rule Updates:

30 TAC Chapter 311 - Sand Mining in the San Jacinto River Watershed **Macayla Coleman**

Sand Mining Rule Petitions

- The Texas Aggregates and Concrete Association (TACA) and the Lake Houston Area Grassroots Flood Prevention Initiative (FPI) filed separate but similar petitions for rulemaking in June 2020.
  - Both organizations recommended that TCEQ adopt a new rule that would establish best management practices (BMPs) for commercial sand mining and other lawful purposes within the San Jacinto Watershed.
  - The rulemaking defines specific areas within the watershed that are regulated and adds a new chapter within the 30 TAC Chapter 311 Watershed Protection Rules.
- The rulemaking process is complete, and the final rule was adopted by the commission on December 15, 2021.
- The final rule was published in the *Texas Register* on December 31, 2021, with an effective date of January 6, 2022.
- TCEQ's Small Business and Local Government Assistance (SBLGA) group conducted outreach to notify potentially affected facilities of the new rule requirements. Emails and phone calls were sent out to potentially affected facilities in December 2021.
- The TCEQ is working to develop guidance materials about the new rule and to develop a map viewer of the watershed to assist the sand mining operators and the public.

BMPs Guidance Document

- The petitions and final rule require the TCEQ to develop a guidance document of BMPs, so in conjunction with the rule process, TCEQ prepared the accompanying guidance document of BMPs that are required by the final rule to be implemented by the sand mining operators at their site.

- Staff prepared the draft BMPs document with petitioners', stakeholders, and internal agency staff input.
- The final BMPs guidance document, Regulatory Guidance (RG) – 555, was published on TCEQ's website in November 2021. See the document at the following link: https://www.tceq.texas.gov/downloads/permitting/stormwater/rulemaking/bmps-sand-mining-rg-555.pdf
- For more information about the new rule and BMPs guidance document visit the following webpage: https://www.tceq.texas.gov/permitting/stormwater/sand-mining-rulemaking.

30 TAC Chapter 305 – TPDES Consolidation **Shannon Gibson**

- Ch's 308, 314, and 315 would be moved to Ch 305 Subchapter P, all of which contain adoption by reference of federal TPDES regulations. Additionally, Ch 308 Subchapters C and J would be repealed in response to Quad Rule Review
    - Approved 9/22/21
    - Comment period ended on 11/9/21
    - In adoption phase
    - Scheduled for Commissioners' Agenda on 3/30

30 TAC Chapter 321 / 351 – Removal of Obsolete Subchapters **Shannon Gibson**

- Repeal of Ch 321, Subchapters E, F, and L, and Ch 351, Subchapter D. (Ch 321, Subchapters E, F, and L and Ch 351, Subchapter D were determined to be obsolete in the 2019 Quad Rules Review)
    - Approved 9/22/21
    - Comment period ended on 11/9/21
    - In adoption phase
    - Scheduled for Commissioners' Agenda on 3/30

30 TAC Chapter 7 – Aquaculture Memorandum of Understanding with TDA **Shannon Gibson**

- Amendment of MOU with TDA and TPWD to remove TDA and update the existing provisions.
    - Comment period ended on 1/65
    - In adoption phase
    - Scheduled for Commissioners' Agenda on 4/27

30 TAC Chapter 217 – Wastewater Treatment Systems Design Criteria **Louis Herrin**

- We are currently working on the rule revisions for the design criteria for wastewater treatment facilities and collection systems.
- We held a kickoff meeting in November 2020, and we are planning for this rule adoption to occur in October 2022.

- Probable changes include:
  - emergency power for critical components to keep flow moving and to avoid septic conditions, especially in aeration basins, disinfection units, and pumping stations (to avoid unauthorized discharges)
  - collection system updates to address new piping technologies and force main pressure requirements, as well as increased slopes in the collection system design for gray water systems
  - primary clarifiers updates to account for weir loading rates (depends on the use of the primary clarifier, size of the clarifier, and the treatment following the clarifier units), surface loading criteria, and peak flow usage
  - aeration basins updates for loading criteria, possible aeration piping updates, and diffuser correction factors and depths
  - sequencing batch reactors updates for peak flow usage, decanter design, and basin sizing
  - membrane bio reactors updates for membrane types, technologies, and peak flow usage
  - nutrient removal system updates as a result of more wastewater treatment plants getting total phosphorus and total nitrogen effluent limits
  - natural system requirement changes for impoundments overlying recharge zones of major or minor aquifers
  - disinfection requirement updates for chorine and UV systems to address redundancy and regrowth issues
  - creating a new Subchapter I to add the treatment and disposal methods from 30 TAC Chapter 222 Subchapter D

Questions & Answers **Gregg Easley**

Announcements:

The next WQAWG Meeting will be held on Tuesday, April 19, 2022, @ 1:30 p.m.

Adjournment

WQAWG website: https://www.tceq.texas.gov/permitting/wastewater/WQ_advisory_group.html
This WQAWG meeting recording will be available for viewing on the TCEQ agency YouTube channel at: https://www.youtube.com/user/TCEQNews

Meeting attendees:

If you wish to join the WQAWG Stakeholder group, please submit an email to Outreach@tceq.texas.gov with "WQAWG" in the subject line and include your:

a) First & Last Name
b) Company Name
c) Job Title
d) Email
e) Business Affiliation
f) Mailing Address
g) Phone number

Thank you.