##### **TCEQ Water Quality Advisory Work Group (WQAWG)**

##### **Stakeholder Meeting**

##### **April 25, 2023 @ 1:30 p.m.**

##### **Building E, Room 201S**

##### **Final Meeting Summary**

**Moderator:** Gregg Easley

Welcome and Introductions

**Wastewater Permitting Process Updates:**

Compliance with Title VI of Civil Rights Act Macayla Coleman

* TCEQ entered into an informal resolution agreement with EPA in response to a complaint filed against TCEQ
  + Complaint alleged discrimination against individuals with limited English proficiency in the administration of TCEQ’s permitting and public engagement programs (violation of Title VI of the Civil Rights Act of 1964)
* As a result of the informal resolution with EPA and to meet Title VI requirements, TCEQ has done the following:
  + Published TCEQ’s Public Participation Plan – GI-607 (General Information)
  + Published TCEQ’s Language Access Plan – GI-608
  + Revised public notice requirements in Title 30 Texas Administrative Code Chapter 39
* These new plans and updated rules impact Water Quality Permit applicants in the following ways:
  + For all applications administratively complete on or after May 1, 2022, applicants subject to public notice requirements in Chapter 39 must provide a plain language summary of their application
    - They must also provide this summary in an alternative language if alternative language notice requirements apply
    - We received feedback that some of the functionality in our Spanish templates are not working so we are actively working to correct the templates and get new versions online for applicants
  + Applicants with alternative language notice requirements must provide TCEQ with a translated copy of each public notice
    - Failure to provide the translated notice documents will delay the permitting process
    - TCEQ has Spanish notice templates to assist applicants
  + TCEQ is posting alternative language notices and plain language summaries on the public webpage in addition to newspaper publications completed by applicants
    - They are located on the Pending Permit Application Information: Water Quality Permits webpage at: <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>
  + Applicants with alternative language requirements must publish alternative language notices of any public meetings
  + Applicants may be required to provide interpretation services at public meetings
  + TCEQ’s Public Participation Plan identifies using preliminary screening and public involvement plans to ensure meaningful public outreach.
    - TCEQ developed an agency-wide form for applicants to develop a public involvement plan (PIP) (TCEQ Form – 20960)
      * The new PIP form is required to be attached as part of the application package for applicants applying for a new permit or a major amendment to an existing permit
        + Required for all applications received on or after November 1, 2022
      * Water Quality permit applications have been updated to make it clear applications require attachment of the form for certain new applicants and major amendment applications
* The TCEQ Environmental Trade Fair and Conference will offer a presentation on the Agency’s Title VI efforts (Day one, May 16, 2023)
  + Will cover the informal resolution agreement, Chapter 39 requirements, the PIP form, and more.
  + More information will be available on the 2023 Environmental Trade Fair and Conference website: <https://www.tceq.texas.gov/p2/events/etfc>

**Permitting Program-Specific Updates:**

**HB 2771 Implementation Activities** Alyssa Loveday

* TXG310000 and WQG280000 General Permits (GPs)
  + State-wide public notice in the Texas Register and state-wide circulation in newspapers are projected to occur in May 2023 with a formal 30-day public comment period from May – June 2023.
  + Anticipated Commission adoption of the GPs are expected in November 2023.
  + Development of the GPs Notice of Intent, Notice of Change, and Notice of Termination forms have been completed.
* Oil and gas authorizations issued or pending:
  + 42 issued authorizations under the general permit for hydrostatic test discharges (TXG670000), as well as four issued individual oil and gas TPDES permits.
  + 18 pending individual oil and gas TPDES permit applications.
* Mr. Chris Linendoll will be performing a detailed presentation on the oil and gas general permitting program on May 16, 2023, at the Environmental Trade Fair.

**Updates to Homeland Security Contact Information Notifications** Maria Benitez

* WQ EPS Updates via STEERS
* For WQEPS/Homeland Security: we are still currently accepting WQ EPS update submissions via STEERS, please ensure to submit your water quality emergency preparedness system updates as soon as possible. Second notice updates were emailed with a due date of 4/15/2023, however we are still pending updates and can offer additional assistance as necessary to help you complete your update.  For STEERS Login assistance please contact STEERS by e-mail at STEERS@tceq.texas.gov or by telephone at (512) 239-6925. For assistance or questions pertaining to the WQ EPS questions and how to submit, please email [Homeland@tceq.texas.gov](mailto:Homland@tceq.texas.gov) or call us.

**General Permit Updates:**

**Concentrated Animal Feeding Operation (CAFO) General Permit Joy Alabi**

**(TXG920000) 2024 Renewal**

1. **Permit Action**

This is a renewal with amendment of a Texas Pollutant Discharge Elimination System (TPDES) / State general permit (GP) TXG920000 authorizing the discharge of manure, sludge, and wastewater into or adjacent to water in the state by Concentrated Animal Feeding Operations (CAFOs). The draft permit, which is under development, will replace the current permit which expires on July 20, 2024.

1. **Proposed changes**
2. The addition of requirements for digesters that are installed in a CAFO production area to recover methane gas from dairy manure and process wastewater.
3. A proposal to reduce the annual water quality fee for State-only CAFOs to $300.00 (current annual water quality fee is $800 for all facilities that are authorized under the CAFO GP).
4. **Timeline:**

**Stakeholder Involvement**: we'll be contacting members of the CAFO stakeholder group at some point early in the process to provide details on the proposed draft permit and to solicit feedback.

**Draft Permit to EPA for 90-day review**: August 2023

**Publish Notice**: February 2024

**Public Comment Period**: February - March 2024

**Public Meeting**: A public meeting date will be announced in the public notice. It will be on the last day of the comment period. Anticipated Adoption Date: June 2024.

**GP Authorizations Renewal Period**: 90 days from July 20, 2024, will be the renewal period for facilities that are covered by the GP to submit a renewal NOI.

**Construction General Permit (TXR150000) 2023 Renewal** Macayla Coleman

* This general permit regulates stormwater discharges from construction activities.
* The renewal permit package went before the Commission for adoption at the Commissioner’s Agenda on February 22, 2023, and was issued with an effective date of **March 5, 2023**.
* Existing permittees with ongoing construction activities must submit a renewal permit application in our online ePermitting system, STEERS, by **8:00 PM on** **June 5, 2023,** to continue their existing authorization.
  + Renewal reminder postcards have started going out to all permittees with an active authorization, over 32,000.
* The 2023 CGP, permit Fact Sheet, and Executive Director’s Response to Comments document are available at: <https://www.tceq.texas.gov/permitting/stormwater/construction/>
* Major changes include:
  + Operators must evaluate and observe the controls during each day of dewatering discharges and prepare and document a report of the observation and evaluation.
  + Operators must implement good housekeeping measures related to waste clean-up at the site and minimize sanitary waste by locating portable toilets in secure locations away from surface water in the state and stormwater inlets.
  + Inspections may be suspended during adverse conditions, along with a requirement to document the adverse conditions present at the site when inspections are suspended.
  + **Delegation of Signatory** forms now required to be submitted electronically in our STEERS system.
  + For a list of all changes refer to pages 13-16 of the permit Fact Sheet.
* There are new Construction Site Notice forms with a TCEQ number:
  + Large Construction Site Notice for Primary Operators (TCEQ Form 20961)
  + Large Construction Site Notice for Secondary Operators (TCEQ Form 20962)
  + Small Construction Site Notice (TCEQ Form 20963)
  + Small Construction Site Notice: Low Potential for Erosion (TCEQ Form 20964)
* The Stormwater Pollution Prevention Plan (SWP3) template for the 2023 CGP is being finalized by Small Business and Local Government Assistance Program (SBLGA) and should be available soon.

**John Graves General Permit (TXG500000) 2024 Renewal**  Dante Fekete

* This general permit regulates stormwater and wastewater discharges from quarries in the John Graves Scenic Riverway portion of the Brazos River Basin and expires on March 29, 2024.
* TCEQ has started the renewal process for this general permit and is currently drafting the general permit.
* Internal stakeholder and feedback from the permittees were collected in early 2023.
* We anticipate sending the draft permit package to EPA for their review and approval in the Summer 2023.
* Some of the proposed preliminary changes include:
* Addressing the end of the pilot program, if not renewed by the state legislature prior to 9/1/2025.
* Updating allowable non-stormwater discharges to be consistent with other stormwater general permits.
* Increase inspections (from weekly to daily) on discharges from dewatering activities to be consistent the 2023 Construction General Permit.
* After EPA approval we expect to publish the proposed permit in the Fall of 2023 for the 30-day public comment period.

**Small (Phase II) MS4 General Permit (TXR040000)** Rebecca Villalba

* This general permit regulates stormwater discharges from small or Phase II Municipal Separate Storm Sewer Systems (MS4s) and expires on January 24, 2024.
* The renewal process started in May 2022, and a stakeholder meeting was held on September 27, 2022.
  + Stakeholders were given two weeks to submit informal comments for TCEQ’s consideration, which were due on October 12, 2022
    - TCEQ received comments from about 50 individuals
  + The meeting handouts, and a recording of the meeting are available online on our Stormwater Stakeholders Group Webpage: <https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html>
  + At the meeting TCEQ presented preliminary proposed changes including:
    - A move from a “two-step permit” to a “comprehensive permit”
      * The master general permit will be prescriptive and include all the requirements that MS4 operators must implement and therefore remove the need for MS4 operators to submit individual Stormwater Management Programs (SWMPs) for review and approval by TCEQ and public notice.
    - Proposed permit language for the best management practices (BMPs) and measurable goals under some Minimum Control Measures (MCMs) was shared with the stakeholders.
    - Implementation of electronic reporting for applications and annual reports. TCEQ will use EPA’s Net-MS4 system.
      * Revised the annual reporting year options to only allow for one reporting year schedule rather than three as required by EPA’s NeT-MS4. Calendar Year would be the available reporting option as this is the most common option used by permittees currently.
      * Revised the list of MCMs to separate MCM 1 - Public Education, Outreach, and Involvement to match the federal rules: MCM 1 - Public Education and Outreach and MCM 2- Public Involvement/Participation. The remaining MCMs are renumbered as MCMs 3-8.
* TCEQ prepared an initial draft of the renewal permit with input from the submitted stakeholder comments and incorporated feedback from internal TCEQ program areas.
  + Made miscellaneous and editorial changes throughout the permit to remove redundant information, improve readability, and consolidate similar information where appropriate.
* TCEQ submitted the draft permit and fact sheet to EPA on **March 22, 2023**, for their 90-day review.
* TCEQ anticipates publishing the draft permit for public comment in **Fall 2023**.
* TCEQ anticipates going to Commissioners Agenda in **January 2024** and issuing this general permit on January 24, 2024.

**Livestock Manure Compost General Permit (WQG200000)** Rebecca Villalba

* authorizes the disposal of wastewater generated from livestock manure compost operations by evaporation or beneficial use by irrigation.
* TCEQ is proposing to renew.
* Current permit expires on November 10, 2023.
* Notice was published in the Houston Chronicle on March 31, 2023, and in the Texas Register on April 7, 2023.
* We anticipate taking this to Agenda for adoption in August of this year.

**Petroleum Contaminated Waste General Permit (TXG830000)**  Rebecca Villalba

* authorizes stormwater discharges of water contaminated by petroleum substances into or adjacent to any water in the state.
* TCEQ is proposing to renew and amend.
* Current permit expires on September 12, 2023.
* The draft GP and fact sheet were sent to EPA for a 90-day review on October 5, 2022.
* EPA approved on December 15, 2022.
* Notice was published in the Houston Chronicle on March 31, 2023, and in the Texas Register on April 7, 2023.
* We anticipate taking this to Agenda for adoption in August of this year.

**Rule Updates:**

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

* We had our fourth stakeholder meeting on April 24, 2023, over Subchapters E (Preliminary Treatment Units); H (Natural Treatment Units); I (Subsurface Treatment Systems); and J (Sludge Processing).
* On June 5, 2023, we held an all-day meeting going over all rules and commenting on the changes from the last drafts of the subchapters. Hope to have a final draft by September.

**30 TAC Chapter 210 – Updates to Chapter 210 Use of Reclaimed Water**  Rebecca Villalba

* Specifically, language is getting added to the existing rule at 210.5 to clarify that an application to obtain an authorization under Chapter 210 may be submitted concurrently or any time after submittal of an application for a TPDES/TLAP permit.
* The commission adopted this rulemaking at Agenda on February 8, 2023.

**Questions & Answers** Gregg Easley

**Announcements:**

• The next WQAWG Meeting will be held on July 25, 2023 @ 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>

**Webcast attendees:** Please submit an email to Outreach@tceq.texas.gov with **“WQAWG”** in the subject line and include your title/contact Information (business affiliation and phone number) to be registered on the attendance roster. You may submit this information in advance.

**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) *Address*, and g) *Phone number*.

**Thank you.**