

Texas Commission on Environmental Quality
WATER QUALITY ADVISORY WORK GROUP (WQAWG)
Meeting

January 21, 2020 @ 1:30 p.m.
Building E, Room 201S

Meeting Summary

Moderator

Welcome and Introductions

Yvonna Miramontes

General Permit (GP) Updates:

Multi-Sector General Permit (TXR050000) Renewal

Hanne Nielsen

NOTES: This general permit regulates stormwater discharges from industrial activities. The general permit expires on August 14, 2021, and we started the renewal process Sep. 2019. A stakeholder meeting was held on Friday October 18th, 2019. The webcast along with a handout of proposed changes is available on our stakeholder website. We received comments from 18 stakeholders during the two-week comment period. Many comments requested clarifications or suggested modifications to existing permit requirements. Revisions were made based on stakeholder input where applicable.

- Changes - highlights:
 - Adding NAICS codes to SIC code tables
 - Adding items to NOC and NOIs to comply with eReporting requirement. For example, will capture industrial activities subject to federal categorical guidelines.
 - Delegation of Signatories will be filed online through STEERS.
 - Clarified reporting requirements in Part III and Part V. Made it clearer which activities are subject to federal categorical guidelines. For example, in Sector O, it is only facilities having coal pile runoff that are subject to the requirements.
 - Required, for consistency, that rain gauges must be onsite.
 - Sector J: Added some BMPs from the CGP. For example, off-site vehicle tracking of sediments, generation of dust, dewatering of trenches and excavation, and pumping or dewatering of standing water.
 - Sector L: Added definitions for *Final Cover* and *Intermediate Cover*. Replaced *trenches* with *units*.
 - Adjusted two benchmark values - based on data collected during the current permit term:
 - Sector T: Lowered BOD from 20 mg/L to 15 mg/L.
 - Sector U (SIC 2074-2079): Lowered TSS from 100 mg/L to 50 mg/L.
- Next step: Management briefings April and EPA reviews in April-July 2020.

New Water Treatment Plant General Permit (TXG640000)

Laurie Fleet

NOTES: TCEQ is developing a new general permit that would authorize the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. The draft permit was posted online for stakeholder review and comment during November 2019. TCEQ made revisions to the draft permit based on stakeholder input. We anticipate sending the draft permit to EPA for review in March 2020.

Evaporation Pond General Permit (WQG100000) Renewal

Laurie Fleet

NOTES: The TCEQ is proposing to renew the Evaporation Pond General Permit WQG100000, which authorizes wastewater generated by industrial or water treatment facilities to be disposed of by evaporation from surface impoundments adjacent to water in the state. This general permit does not authorize the discharge of wastewater into water in the state. The current permit expires on September 15, 2020. TCEQ expects to publish notice of the draft permit in March 2020.

Hydrostatic Test General Permit (TXG670000) Renewal

Laurie Fleet

NOTES: The TCEQ is proposing to renew and amend the Hydrostatic Test Water General Permit TXG670000, which authorizes the discharge of hydrostatic test water from new vessels; vessels which contained raw water, potable water, or elemental gases; or vessels which contained petroleum substances or waste related to petroleum substances. The current permit expires on April 5, 2020. The public comment period ended on December 3, 2019. The commission is expected to take action on this renewal on March 4, 2020.

Rule Updates:

Ch. 312 Sludge Rule Revisions

Brian Sierant

NOTES: The proposed rules were published for comment in the October 25th and the commission held a public hearing in Austin on November 19th in the Agenda Room. We received various written comments from four different entities and as of now, we are briefing management on the comments received and the proposed adopted version of the rule. The proposed Agenda date for the Consideration of Adoption is March 25th, which means the proposed Adopted rules will be posted on back-up March 6th. The back-up will contain the response to the comments and changes made from the proposed rules. If adopted by the Commission, the effective date of the rule will be April 16th.

City of Austin Rule Petition (Beneficial Reuse Credits in Chapters 309/222)

Sarah Johnson

NOTES: The adopted rulemaking implemented changes based on the petition the Commission received from the City of Austin on March 14, 2016. 30 TAC Chapters 222 and 309 now give an applicant for a Texas Land Application Permit (TLAP) the option to reduce the acreage required for land application of treated domestic wastewater by obtaining a “beneficial reuse credit” that accounts for the effluent that is used for beneficial reuse instead of going to the land application site. The beneficial reuse credit will be based on the firm reclaimed water demand demonstrated by water use data from the applicant’s reclaimed water users. The rules establish requirements for obtaining and maintaining this credit. The revised rules in Chapters 222 and 309 were effective on January 9, 2020. The municipal wastewater team is currently revising their permit application to include a new worksheet for the beneficial reuse credit.

Ch. 319 Revisions Relating to the 2017 Federal Analytical Method Update Rule

Sarah Johnson

NOTES: Revisions to 30 TAC Chapter 319 (GENERAL REGULATIONS INCORPORATED INTO PERMITS) are currently in the proposal phase. The proposed rulemaking will clarify the alternate test procedure process in accordance with the United States Environmental Protection Agency’s (EPA) 2017 Clean Water Act Methods Update Rule. Additional minor changes would be made throughout for clarity and readability. The current timeline estimates a proposal date before the Commissioners on May 20, 2020 with an adoption date of October 21, 2020.

Program Updates:

Improving Permit Processing Timeframes

Laurie Fleet

NOTES: The WQD is exploring ideas for streamlining the permitting process. Our Legislative Performance Measure is to process 90% of our permits on time. This past year we were only able to issue 81% on time. In addition to making changes to our internal processes, we identified two areas that we need applicant/consultant assistance with: (1) timely publishing the public notices and submitting the verification documents and (2) timely review of draft permits. We’ve been discussing this topic at the WQAWQ meetings since the January 2019 meeting but haven’t seen appreciable improvement. We elevated this issue to management and got approval to return applications for failure to complete notice within established timeframes in accordance with 30 TAC §39.405(a). If we return applications, applicants will be in noncompliance for operating without a permit and will have to submit a new application rather than a renewal. New applications are subject to the current plans and specs requirements in Chapter 217 and to a contested case hearing.

NOTES: House Bill (HB) 2771 (86th Legislature, 2019) requires the TCEQ to seek delegation authority from the United States Environmental Protection Agency (USEPA) for the National Pollutant Discharge Elimination System (NPDES) program to issue permits for discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from certain oil and gas activities. Additionally, HB 2771 will transfer state permitting authority for these discharges from the Railroad Commission of Texas (RRC) to the TCEQ upon federal delegation from EPA. Delegation team members are reviewing and updating the TPDES application and the MOU with RRC.