Texas Commission on Environmental Quality
Water Quality Advisory Work Group (WQAWG)
Meeting
July 21, 2020 @ 1:30 p.m.
Online - Virtual Meeting

Meeting Summary

All information presented in this document is a compilation of TCEQ staff notes and is not a transcript of the meeting; inadvertent errors and/or unintentional omissions of information may exist in this document. Any information cited should be verified by the user.

Moderator **Gregg Easley**

Welcome and Introductions

Discharge of Plastics in Wastewater **David Galindo**

- TCEQ held an Implementation Procedures stakeholder meeting on June 30, 2020 and we discussed plastics. Specifically, plastic pellets that are used in manufacturing plastic products.
- We are looking for preliminary stakeholder comments on plastics and the period to provide comments to TCEQ ends on August 10, 2020. A copy of the June 30th presentation and a list of questions for stakeholders are available at: https://www.tceq.texas.gov/waterquality/standards/WQ_stds
- Plastic pellets are not allowed to be discharged under a Texas Pollutant Discharge Elimination Systems (TPDES) permit.
- TCEQ proposes to clarify that the discharge of plastics in wastewater and stormwater permits is not allowed at facilities which handle plastic resin pellets that are generated at organic chemical manufacturing facilities or packaged and transported to processors for molding into plastic products. This proposal does not include post-consumer refuse such as plastic bottles, straws, or bags.
- Permit applications will be updated to identify facilities that produce or handle plastic pellets.
- Provisions will be added to permits to clarify handling and Best Management Practices for facilities that produce or handle plastic pellets.
- TCEQ is currently working on the Water Quality Standards and the Procedures to Implement Water Quality Standards. When the draft Water Quality Standards and Implementation Procedures are prepared, they each will be published for public comment and stakeholders will be allowed to provide formal comments.

COVID Accommodations for Permit Applicants **Gregg Easley**

- With TCEQ offices being closed to the public, we are not able to receive hand-delivered permit applications. Applications can be sent by mail. In addition to sending them by mail, we encourage sending electronic copies to us. While hardcopies of applications are still required, sending electronic copies can facilitate faster processing of applications.
- In cases where public locations are not available to post copies of applications and draft permits for public viewing, applicants may be able to post these items on publicly-accessible websites.
- When a public meeting must be conducted on a permit application, the meeting can be held virtually instead of in-person, which can enable continuation of the permitting process without delays.

General Permit (GP) Updates:

Multi-Sector General Permit (TXR050000) Renewal **Rebecca Villalba**

- This general permit regulates stormwater discharges from industrial activities. The general permit expires on August 14, 2021, and we started the renewal process September 2019. A stakeholder meeting was held on Friday October 18, 2019. The webcast along with a handout of proposed changes is available on our stormwater stakeholder website: https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html
- The draft permit was sent to EPA on May 15, 2020, for their 90-day review. EPA's comments are due on August 13, 2020. The major proposed changes include:
  - Adding NAICS codes to the SIC code tables
  - Adding items to NOC and NOIs to comply with e-Reporting requirements. For example, will capture industrial activities subject to federal categorical guidelines.
  - Delegation of Signatories will need to 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.
  - Sector J: Added applicable BMPs from the Construction General Permit. 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.
  - Part III.A and Sector Y. Added some BMPs to eliminate plastic materials in stormwater.
  - 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: Respond to EPA comments, and management briefings during September – November 2020. The public notice is scheduled to be published in the Texas Register and various newspaper across the state around mid-December 2020. This will start the 30-day public comment period.

Aquaculture General Permit (TXG130000) Renewal **Laurie Fleet**

- The TCEQ is proposing to renew and amend the Aquaculture General Permit TXG130000, which authorizing discharges into or adjacent to water in the state by aquaculture facilities and other activities related to aquaculture. The amendment will expand the applicability to include the new oyster mariculture program that was required by House Bill 1300, 86th Legislature. The current permit expires on April 18, 2021.

Concrete Batch General Permit (TXG110000) Renewal **Laurie Fleet**

- The TCEQ is proposing to renew the Concrete Batch General Permit TXG110000, which authorizes the discharge 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). The current permit expires on November 7, 2021.

Evaporation Pond General Permit (WQG100000) Renewal **Laurie Fleet**

- 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. The public comment period ended in March 2020. The commission is expected to take action of the proposed permit on September 9, 2020.

Hydrostatic Test General Permit (TXG670000) Renewal **Laurie Fleet**

- On March 10, 2020, the commission reissued 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. Current permittees were required to submit a NOI by July 6, 2020 to continue their authorization. If you failed to submit a NOI by that deadline your authorization is expired, and you must apply for a new authorization to discharge.

New Water Treatment Plant General Permit (TXG640000) **Laurie Fleet**

- TCEQ is proposing 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 public comment period ended in June 2020. The commission is expected to take action of the proposed permit on October 7, 2020.

Pesticide General Permit (TXG870000) Renewal **Laurie Fleet**

- The TCEQ is proposing to renew the Pesticide General Permit TXG870000, which authorizes the application of pesticides into or over, including near waters of the United States (U.S.) for the control of mosquito and other insect pests, vegetation and algae pests, animal pests, area-wide pests, and forest canopy pests. The current permit expires on November 2, 2021.

<u>Rule Updates:</u>

Chapter 281 Rule Revisions (Applications Processing) **Laurie Fleet**

- TCEQ initiated rulemaking to amend 30 TAC §281.18 to provide an option for administrative deficiency notices to be sent to the applicant via electronic mail for a more expedited application process. Applications will not be returned unless at least one certified letter is sent to the applicant. The rule was proposed in the Texas Register in May 2020 and the comment period ended on June 16, 2020. The commission is expected to take action on the rulemaking on October 7, 2020.

Chapter 319 Rule Revisions (2017 Federal Analytical Method Update Rule) **Sarah Johnson**

- The TCEQ initiated rulemaking to amend 30 TAC Chapter 319, General Regulations Incorporated into Permits, to clarify the alternate test procedure (ATP) process in accordance with the EPA's 2017 Clean Water Act Methods Update Rule. The proposed rulemaking would clarify the ATP procedure to align with federal rules in 40 CFR Part 136 for discharge permits and would establish the state ATP procedure for TLAPs. Additional staff recommended changes include the removal of an obsolete section identified in the last rules review, removal of inconsistencies, improved rule structure, use of consistent terminology, and improved readability.

- The proposed rulemaking was published in the June 5, 2020 issue of the Texas Register. The comment period closed on July 6, 2020. No public comments were received. The program area is currently finalizing the proposed rules for adoption. The rulemaking is scheduled to go before the Commissioners for adoption on October 21, 2020 with an effective date of November 26, 2020.

Chapter 342 Rule Revisions (Regulation of Certain Aggregate Operations) Shelby Williams

- Rulemaking is based on House Bill 907, from the 86th Legislative Session, which increased the maximum annual registration fee for APOs from $1,000 to $1,500.
- Approval date of this rulemaking was on July 15, 2020
- The adopted rulemaking will be published in the July 31, 2020, issue of the Texas Register
- Effective date is August 6, 2020.
- APO program has also been transferred from the Water Quality Division in the Office of Water to the Permitting and Registration Support Division in the Office of Waste.

Rule Petitions **Shelby Williams**

- On June 1, 2020, the commission received a petition from a Mr. James Thompson.
- The petitioner requests that the commission amend 30 TAC Chapter 217 to allow the use of fiberglass pipe and reinforced thermoset resin pipes to be included in the design criteria for domestic wastewater systems.
- The petition request has been set on the Commissioner's agenda for July 29th, 2020 for consideration on approval or denial to initiate a rulemaking. The back-up material will be available on July 10, 2020.

Rule Petitions Continued **Rebecca Villalba**

- The TCEQ received two petitions from the Lake Houston Area Grassroots Flood Prevention Initiative (June 23, 2020) and the Texas Aggregates & Concrete Association (June 15, 2020). The petitioners requested that TCEQ adopt a new rule to establish best management practices for commercial sand mining and other lawful purposes within the San Jacinto River Watershed. The petitions are scheduled to be presented to the Commissioners during the August 12, 2020 Agenda. If the petitions are approved the first step is for TCEQ to initiate rulemaking with stakeholder involvement. Through the stakeholder process, we propose to identify and evaluate the appropriate best management practices that are technically supported for the sand mining industry to control the discharge of pollutants within stormwater discharges. The rulemaking would define specific areas within the watershed that would be regulated and would add a new chapter within the 30 TAC Chapter 311 Watershed Protection Rules.
- If anyone would like further details on a rule item; you can find that information on the TCEQ's homepage, click the Rules and Rulemaking link (https://www.tceq.texas.gov/rules/rules_rulemaking.html), and look up the specific rule project from there.

Program Updates:

Biosolids & Pretreatment Electronic Reporting Waiver **Laurie Fleet**

- On June 11, 2020 a letter was mailed to all domestic wastewater permittees that were issued a permit on or after February 1, 2016 and all approved pretreatment programs. The letter serves as a waiver from the electronic reporting requirement for the biosolids annual report and the pretreatment annual report. Title 40 Code of Federal Regulations (CFR) Part 127 requires these reports to be submitted electronically and permits issued after February 1, 2016 contain a requirement to submit them electronically; however, the Environmental Protection Agency (EPA) does not have an electronic reporting tool available at this time.

- The biosolids waiver DOES NOT apply to the Discharge Monitoring Report (DMR) portion of your biosolids annual report. All outfalls of the biosolids DMRs must be reported using the NetDMR reporting system. This waiver only applies to the supporting documents that are currently submitted in paper format (example: biosolids certification statements and analytical lab test reports). This waiver only applies to the annual report due in September 2020. Beginning in September 2021, the electronic biosolids annual report will be available and required.
- EPA has not started development of the electronic pretreatment annual report. The pretreatment waiver extends through December 2023. Permittees should continue submitting the pretreatment annual report in paper format until December 2023.

HB 2771 Implementation Activities **Laurie Fleet**

- House Bill 2771 requires the TCEQ to submit a request to EPA for regulatory authority for oil and gas discharges into water in the state.
- Steps necessary to implement House Bill 2771:
  - Rulemaking to adopt EPA's oil and gas effluent limitations guidelines: Rule adopted by Commission on May 20, 2020.
  - Rulemaking to amend the TCEQ/RRC Memorandum of Understanding regarding oil and gas jurisdiction: Rule adopted by TCEQ Commission on June 10, 2020. RRC adopted the rule on June 16, 2020.
  - NPDES Application for oil and gas authorization: Currently conducting our internal review. Once final it will be submitted to the Office of the Attorney General to develop the Statement of Legal Authority, then to Governor's Office for submission to EPA. Projecting that submission to EPA will be in Sept/Oct 2020.
  - TCEQ/EPA Memorandum of Agreement: Non-substantive revisions to the 1998 MOA were finalized and signed by EPA on June 11, 2020. Transfer of jurisdiction regarding oil and gas discharges will be included in an addendum to the newly updated MOA.
- Amend the Hydrostatic Test General Permit (TXG670000): Amendments will expand permit applicability to include hydrostatic tests from oil and gas facilities upon delegation from EPA. EPA approved the draft permit on June 11, 2020. The public notice and comment period will end on August 3, 2020.This general permit is being amended without renewal. Entities authorized under the existing general permit, effective April 5, 2020, are not required to submit new NOIs and are authorized to continue to operate under the terms and conditions of the existing general permit.

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

- A discussion of past stakeholder meeting dates was provided and comments on possible revisions was requested. Comments can be sent to IPCOMMNT@tceq.texas.gov. A discussion of IP revisions by topic then followed:
  - pH screening procedures. Required of major municipal and industrial facilities that discharge directly to classified segments and that have permit limits for pH that are outside the range found in the TSWQS. (Currently in use in permitting) A copy of the proposed pH screening procedures and fresh- and saltwater pH screening spreadsheets are now available on the web at https://www.tceq.texas.gov/waterquality/standards/WQ_stds#2021RevisionstotheProcedures
  - Whole Effluent Toxicity (WET) updates have been drafted. A copy of the proposed WET revisions are now available on the web at https://www.tceq.texas.gov/waterquality/standards/WQ_stds#2021RevisionstotheProcedures

- Updates to Appendix B of IPs regarding endangered species. De-listing of Concho water snake- (Concho River and Colorado River). Listing of smalleye shiner and sharpnose shiner-upper Brazos drainage area. Listing of several salamanders in Bell, Williamson, Travis Counties Listing of the Texas hornshell mussel.
- Updates to Appendix C- critical low-flows and harmonic mean flows for classified segments. This includes updates to the description of the table to clarify how these calculations are derived. A copy of Appendix C revisions are now available on the web at https://www.tceq.texas.gov/waterquality/standards/WQ_stds#2021RevisionstotheProcedures. However, these will be further updated in the near future to incorporate the latest data and address stakeholder comments.
- Updates to Appendix D - classified segment ambient water quality values. A copy of the proposed revisions completed to date are now available on the web at https://www.tceq.texas.gov/waterquality/standards/WQ_stds#2021RevisionstotheProcedures. Note that some segments are not yet updated but will be added to the web as updates occur. It is anticipated that this information will be complete by the end of September 2020.
- Updates to Appendix E- Minimum Analytical Levels (MALs) and analytical methods. A response to stakeholder comments and a draft of revised Appendix E was sent to stakeholders. We will be accepting comments until August 17, 2020.
- Total Dissolved Solids (TDS) screening calculations. We may incorporate a method of looking at WET RP to determine whether ions are skewed and thus whether or not screening for chloride and sulfate (in addition to screening for TDS) are needed.
- We are considering the use of Bioequivalency Factors (BEF's) for screening of dioxin and dibenzofurans in permit applications (similar to great lakes).
- Removal of lipid factor in human health criteria calculations, consistent with current state and federal practice. A copy of the proposed revisions to human health criteria calculations is now available on the web at https://www.tceq.texas.gov/waterquality/standards/WQ_stds#2021RevisionstotheProcedures

Announcements: **Gregg Easley**

The next WQAWG Meeting will be held on Tuesday, October 20, 2020, @ 1:30 p.m.

The next HB2771 stakeholder meeting will be held on September 17, 2020, @ 9:30 a.m. To be added to the HB 2771 stakeholder list for future meetings and correspondence, please email your request to HB2771@tceq.texas.gov.

WQAWG website:
https://www.tceq.texas.gov/permitting/wastewater/WQ_advisory_group.html

All WQAWG meetings are available by webcast by going to the TCEQ's You Tube channel by following this link: https://www.youtube.com/user/TCEQNews

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

Meeting adjourned