

**From:** [Randy Ammons](#)  
**To:** [harringtons@trinityra.org](mailto:harringtons@trinityra.org); [moorej@trinityra.org](mailto:moorej@trinityra.org)  
**Cc:** [OCE](#)  
**Subject:** Re: Expected TPDES Permit Non-Compliance for Approved Pretreatment Programs - TPDES Permit # WQ0010303001 and # WQ0010984001  
**Date:** Friday, June 12, 2020 12:11:50 PM

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Dear Ms. Moore:

Thank you for speaking with us on June 3, 2020, regarding your May 1, 2020, letter in which you requested enforcement discretion on the Texas Pollutant Discharge Elimination System (TPDES) permit requirements for the Trinity River Authority (TRA) Central Regional Wastewater System (CRWS) pretreatment program and the TRA 10 Mile Creek Regional Wastewater System (TMCRRWS) pretreatment program. This correspondence is a follow up to our discussion on June 3<sup>rd</sup>:

1. Based on the conditions of your TPDES Permit Nos. WQ0010303001 and WQ0010984001, TRA is required to modify its approved pretreatment programs for both CRWS and TMCRRWS in order to comply with the 2005 streamlining rule provisions in the current 40 CFR Part 403 regulations. The required modification submission for the TRA TMCRRWS was received on July 22, 2014. The TCEQ Pretreatment Team sent an NOD letter to TRA on October 18, 2019, with a due date of November 29, 2019, for submitting revisions. TRA requested and was granted three extensions for this submittal until January 31<sup>st</sup>, March 31<sup>st</sup>, and June 30<sup>th</sup>. The TRA is now requesting a fourth extension until September 30, 2020, based on the information provided below:

TMCRRWS Streamlining Rule Modification Timeline - submitted 6/3/2020

|     | Activity   | Start Date | Complete Date |
|-----|--|------------|---------------|
| 1.  | TRA staff reorientation with documents   | 6/2/2020   | 6/3/2020      |
| 2.  | TRA staff complete preparation for TCEQ clarification meeting  | 6/3/2020   | 6/8/2020      |
| 3.  | TRA staff conduct clarification meeting with TCEQ;   | 6/9/2020   | 6/12/2020     |
| 4.  | Contact TMCRRWS pretreatment contacts and explain/reorient modification process                                | 6/15/2020  | 6/19/2020     |
| 5.  | TRA staff prep regulatory slide for TMCRRWS Advisory Meeting   | 6/15/2020  | 6/26/2020     |
| 6.  | TRA staff further update changes to Ordinances   | 6/15/2020  | 6/19/2020     |
| 7.  | TRA staff further update changes to ERP  | 6/22/2020  | 6/26/2020     |
| 8.  | TRA staff further update changes to TBLLS addendum   | 6/29/2020  | 7/3/2020      |
| 9.  | TRA staff further update changes to Admin Plan   | 7/6/2020   | 7/10/2020     |
| 10. | TRA staff further update changes to Forms based on other document changes                                      | 7/13/2020  | 7/17/2020     |
| 11. | TRA staff package together Contracting Party Program documents and submit to pretreatment contact for attorney | 7/20/2020  | 7/24/2020     |

|     |  |           |           |
|-----|--|-----------|-----------|
|     | review.  |           |           |
| 12. | Contracting Party attorney review                                | 7/27/2020 | 8/21/2020 |
| 13. | TRA review of returned documents and negotiations with attorneys | 8/24/2020 | 9/18/2020 |
| 14. | Package together Program and submit to TCEQ                      | 9/21/2020 | 9/29/2020 |

The TCEQ is granting the final request with the expectation for TRA to follow the dates outlined in the timeline provided above to ensure that the TRA TMCRWS streamlining rule modification revisions are submitted to the TCEQ by no later than September 30, 2020. The TCEQ also expects for TRA to expedite the submission of its streamlining rule modification for the TRA CRWS approved program in advance of the October 15, 2021, deadline included in TPDES Permit No. WQ0010303001, issued on April 15, 2020.

2. Based on the TRA CRWS approved pretreatment program and the conditions in TPDES Permit No. WQ0010303001, TRA has until December 31, 2020 to achieve compliance with its required industrial user survey. The TCEQ is not considering enforcement discretion on requirements that are not past due at this time.
3. Based on the conditions of your TPDES Permit Nos. WQ0010303001 and WQ0010984001, TRA is required to conduct independent verifications of significant industrial user (SIU) compliance through inspection and sampling activities in accordance with the CRWS and TMCRWS approved pretreatment programs. TRA will provide the TCEQ with additional details on the specific SIUs that were not independently verified for compliance through inspections and sampling activities as a result of the COVID-19 pandemic. The TCEQ will determine whether or not enforcement discretion can be granted upon receipt of this additional information.
4. Based on the conditions of your TPDES Permit Nos. WQ0010303001 and WQ0010984001, TRA is required to enforce and obtain remedies for IU noncompliance with applicable pretreatment standards as outlined in the federal requirements and detailed in the CRWS and TMCRWS approved pretreatment programs. TRA will provide the TCEQ with additional details on the specific enforcement actions that were not completed as a result of the COVID-19 pandemic. The TCEQ will determine whether or not enforcement discretion can be granted upon receipt of this additional information.
5. Based on the conditions of your TPDES Permit Nos. WQ0010303001 and WQ0010984001, TRA is required to issue and reissue SIU permits in accordance with the procedures outlined in the CRWS and TMCRWS approved pretreatment programs. TRA stated that it is not aware of any instances in which SIU permits were not issued or reissued as result of the COVID-19 pandemic. Therefore, TRA is no longer requesting enforcement discretion from the TCEQ for this requirement.
6. Based on the conditions of your TPDES Permit Nos. WQ0010303001 and WQ0010984001, TRA is required to evaluate SIUs for potential slug discharges in accordance with the federal regulations and the CRWS and TMCRWS approved pretreatment programs. TRA stated that it is not aware of any instances in which SIUs were not evaluated for potential slug discharges as a result of the COVID-19 pandemic. Therefore, TRA is no longer requesting enforcement discretion from the TCEQ for this requirement.
7. Based on the conditions of your TPDES Permit Nos. WQ0010303001 and WQ0010984001, TRA is required to maintain adequate staffing and resources to carry out the elements of the CRWS and TMCRWS approved pretreatment programs. TRA will provide the TCEQ with additional details on the specific contracting parties that were unable to perform all of the required functions as a result of the COVID-19 pandemic. The TCEQ will determine whether or not enforcement discretion can be granted upon receipt of this additional information.
8. Based on the conditions of your TPDES Permit Nos. WQ0010303001 and WQ0010984001, TRA is required to conduct influent and effluent sampling at the frequencies outlined in your current TPDES permits. TRA stated that all influent and effluent sampling was completed for the 2019 – 2020 pretreatment year. Therefore, TRA is no longer requesting enforcement discretion from

the TCEQ for this requirement.

9. Based on the conditions of your TPDES Permit Nos. WQ0010303001 and WQ0010984001, TRA is required to prepare and submit an annual list of IUs that have been in significant noncompliance (SNC) with applicable pretreatment requirements during the preceding twelve months for both the CRWS and TMCRWS approved pretreatment programs. TRA stated that it is not aware of any instances in which SNC evaluations for any SIUs were not completed as a result of the COVID-19 pandemic. Therefore, TRA is no longer requesting enforcement discretion from the TCEQ for this requirement.
10. Based on the conditions of your TPDES Permit No. WQ0010303001, TRA is required to submit its annual pretreatment report for the CRWS approved program by July 31, 2020. The TCEQ is not considering enforcement discretion on requirements that are not past due at this time.

The TCEQ is committed to working cooperatively and reasonably with the regulated community during the COVID-19 pandemic. The decisions associated this enforcement discretion request will not reflect on any future requests TRA may make with respect to the CRWS and TMCRWS approved pretreatment programs. Each enforcement discretion request is evaluated based on its own merits.

Please let us know if we can be of any additional assistance.

Regards,

Randy J. Ammons, Director  
North Central and West Texas Area  
Texas Commission on Environmental Quality

**From:** Susie Harrington

**Sent:** Friday, May 1, 2020 11:34 AM

**To:** [Ramiro.garcia@tceq.texas.gov](mailto:Ramiro.garcia@tceq.texas.gov); [oce@tcea.texas.gov](mailto:oce@tcea.texas.gov)

**Cc:** Cynthia Robinson <[robinsonc@trinityra.org](mailto:robinsonc@trinityra.org)>

**Subject:** Expected TPDES Permit Non-Compliance for Approved Pretreatment Programs - TPDES Permit # WQ0010303001 and # WQ0010984001

Attached is the Trinity River Authority of Texas transmittal letter and two attachments regarding the expected non-compliance of the two referenced TPDES permits (WQ0010303001 and WQ0010984001) for approved pretreatment programs.