



TACWA Meeting Minutes
Houston, Texas
July 22, 2022
9:00 a.m.

The Texas Association of Clean Water Agencies (TACWA) meeting on July 22, 2022, was hosted by Gulf Coast Authority and the City of Houston and sponsored by Freese & Nichols, Carollo Engineers, Black & Veatch, Gulf Coast Authority, and Brown and Caldwell.

See attached sign-in sheet – Total attendees signed in was 41.

Business Meeting:

- President Bill Gase opened the business meeting, welcomed guests, and thanked Gulf Coast Authority and the City of Houston for hosting and the sponsors for their contributions.
- Welcome to Houston was provided by Elizabeth Fazio Hale, JD, LLM, General Manager/CEO at Gulf Coast Authority and Yvonne Forrest, City of Houston, Director - Houston Water.
- Approved the May 20, 2022, Meeting Minutes.

Regulatory Updates:

Meg Pierce-Walsh

- **Practical process streamlining**
 - TCEQ now has an internal tracking tool to assist with processing TPDES permit applications that allows real-time application status checks in their internal processing system. In the future, they also plan to build and implement a tracking tool for responding to public comment.
 - TCEQ is now replacing hard copies with emails to request information, notice of deficiencies, and other non-certified mail correspondence. Documents requiring certified mail delivery, such as NORIs and NAPDs, will still be distributed by mail as hard copies.
 - Pre-technical review is done for all applications now. It is completed simultaneously with the administrative review but involves technical aspects (such as need of additional samples).
- **Schedules**
 - TCEQ is becoming more stringent on deadlines, including the permit application submittal due date at the 180-day ahead of expiration requirement.
 - They may return permit applications if their requested schedule is not met.
- **Staff turnover** - staff retirements and turnover has occurred recently in the water division. Be mindful of the draft/review process, to keep it on track and moving forward:
 - Review draft permit carefully – comments on first draft my result in a 2nd draft. Read your entire 2nd draft carefully.
 - Draft permit comments should be carefully considered, as TCEQ is pushing back timelines on returning drafts with unusual or creative requests that are out of the ordinary.



- **Forward Looking TCEQ actions** – TCEQ looking at two general permits and regionalization
 - TLAP permit updates are the farthest along
 - In the initial stages of creating a general permit for small domestic dischargers
 - Putting together regionalization guidance. This could augment the present TAC policy. They received a petition to do rulemaking on regionalization. They decided not to go forward with rulemaking but do expect the guidance document at end of 2022 to the commission. Prior to that, there will be public stake-holder meetings.

Chris Pasch

Nutrients – As you may know, we have the WEAT Nutrient committee, formed in 2020 when EPA came up with new nutrient criteria, guidance for lakes and reservoirs. That was under the previous administration; the current administration finalized that guidance with relatively few edits. Concerns are how this will affect utilities.

The WEAT Nutrient committee has heard from experts across the US. A key finding was an innovative approach in Colorado where permittees are provided with long-term incentives to implement nutrient limits now, ahead of the state developing nutrient criteria that may result in future very stringent limits. The utility could install their nutrient removal process, which will operate during the time prior to actual permit nutrient limit implementation. This potentially earns 'credits' for the utility to prolong their time without State-imposed permit limit implementation.

A white paper was developed and is under review by the WEAT MRC Committee. The final version will be presented to WEAT members upon approval by the committee. The committee intends convene a nutrient workshop this fall to discuss how to approach TCEQ, in an attempt to provide a proactive option for moving forward. For more details, refer to the WEAT Nutrient Committee white paper.

Dissolved Solids - The WEAT, TACWA, & Texas WaterReuse Association TDS Coalition met with TCEQ on June 10, 2022. The meeting purpose was for the Coalition to present recommendations regarding TDS for consideration by TCEQ during the revisions of the Procedures to Implement the Texas Surface Water Quality Standards (IPs). This meeting was in follow-up to the recommendations letter the Coalition submitted to the TCEQ in 2020. TCEQ was well prepared for the meeting, asked many questions, and requested some additional information. The Coalition is currently gathering the information TCEQ requested.

Julie Nahrgang

- The Sunset Advisory Commission and the Sunset process for the TCEQ and TX Water Development Board made six recommendations regarding TCEQ. The Sunset Advisory process happens every 12 years and gives an opportunity for public participation. They did issue a staff recommendation report on May 26th. No major fireworks. Advisory commission was pleased with TCEQ overall.



There was a June 22nd hearing, very tense and lengthy, almost 200 attendees and many from Harris County. Based on the hearing and staff report, the staff will make recommendations to TCEQ on how to move forward; this is scheduled for October 12.

Here is a brief review of the highpoints:

- Transparency – Suggested a public meeting be held before and after a draft and final TPDES permit was submitted.
 - Compliance Monitoring and Enforcement Process – Looking at how TCEQ addresses nuisance complaints, it was suggested that appropriate weighting not given to complaints or issues.
 - TCEQ Oversight of Water – TCEQ could provide better protection of the State’s water resources.
 - Water Rights - abolish if not used in ten years.
 - E-flow comment – Suggested that advisory groups/committees adopt a biennial statewide workplan for adaptive management updates.
- WEAT/TACWA comments were sent to the Sunset Advisory Committee regarding the TCEQ Sunset review. Three recommendations stemming from December 2021 meetings with Earl Lott (retiring this month) and others:
 - Permitting efficiencies – recommended additional TCEQ staffing to continue to streamline the process. Looking for timeliness and backlog reduction.
 - Nutrient regulation – Looking at TPDES limits and nutrient effluent limits. Some of our utilities are getting permit renewal stage nutrient limits. No time for capital improvement process at time of permit issuance. Five to ten years required to plan and treat for new nutrient limit.
 - Notifications – online notifications vs. newspaper publications for TPDES permits. Federal register changed allowances in 2019. TCEQ is more stringent in what is required for notification – we are looking to get Texas inline with the Federal Register requirements regarding what is required to give notice to the public.
 - Online notification – WEAT/TACWA drafted new legislation for the queue that will hopefully come out in the next legislative session. The submittal narrowly addresses TPDES permitting online notification requirements to put them in line with Federal requirements. Chairman King’s office pushed to legislative council, which is the first step in getting a bill published to the legislative session. Asking for utilities to provide feedback on support.
- Interim Hearings and Charges
 - May 10th Senate Water Agriculture and Rule Affairs Hearing
 - House Natl Resources Meeting Aug 23rd, 24th (how bill passed are being implemented)
 - WEAT/TACWA Comments on the on the SRF Buy America, Build America – These were due by June 15th. Suggested SRF waiver should mirror the WIFIA waiver.
 - PFAS – EPA recently updated advisory 2016 standards for PFOA and PFOS (extreme reductions). These are not directly enforceable but are advisory limits and they do form the scientific basis for rule making. Fall 2022 expect to see the preliminary rule, with final projected by TCEQ into effect in Fall 2023. PFAS and CERCLA regulation is still



looming. Joint statement letter discusses that POTWs should not be classified under CERCLA, but rather exempted.

Nathan Vassar – Clean Air Act and WOTUS

- CERCLA Liability – For CERCLA liability, the standard is wherever the hazardous substances are found (not a generator requirement). There is potential liability driven by wastewater treatment plants just receiving PFAS (if they are designated as hazardous substances).
- Courts Update
 - Clean Air Act – A few weeks back, the Supreme Court decided a case West Virginia (W VA) vs. EPA. At issue was EPA coming up with a cap-and-trade plan under the clean power plan. W VA challenged saying that agenda was outside the scope EPA is authorized under Congress to regulate. Also, claimed that the Congress' text was ambiguous and was outside of EPA's authority; the court agreed. A 6-3 decision (with 4 – 6 conservatives) voted to overturn the EPA's authority to implement cap and trade. When there is a major question, Congress must authorize the EPA to act. The Agency cannot say they have general authority to regulate over here to regulate issues, so we will take that authority, take the next few steps, and regulate elsewhere that we think we have jurisdiction. For those concerned about Agency's overreach, about Agencies regulating what Congress has not authorized, this is a major check. It did not do anything about Chevron deference, when agencies get the default assumption that action is within their jurisdiction.
 - Sackett vs. EPA, preview of things to come – There was case about a decade ago dealing with WOTUS. The decision in the 2005 case was about whether waters are jurisdictional because they are relatively permanent or because there is a significant nexus; the court is going to pick one. EPA has tried to address this several times with multiple proposals. There will an argument this fall, and we will see what is issued. EPA won't issue until November 2023. Expect a decision June of next year.

Some important dates:

November 8 – election day

November 14 – First day of prefilings (bills get filed)

November 15 – TACWA/WEAT Water Environment Horizon Meeting

January 10, 2023 – First day of 88th legislative session

January 27, 2023 – City of Corpus Christi

Gordon Pederson - NACWA Update

July 24, 2022 – Face to-face leadership conference in Seattle, WA

Technical Presentations:

9:30 – 10:00 AM "Beefing Up" Treatment Capacity and Energy Savings with IFAS and Advanced Aeration Control; **Murali Erat, P.E. and Rachel Adkisson, P.E. Freese & Nichols**



10:00 – 10:30 AM Delivering a State-of-the-Art Biosolids Management System for NTMWD;
Rudy Kilian, P.E. Carollo Engineers

10:30 – 10:45 AM Break

10:45 – 11:15 AM IAH WWTP Expansion Facilitates Houston's North Corridor Consolidation Program; **Shari (Xiaohua) Lin, P.E. City of Houston; Justin Sandt, P.E. Black & Veatch; Andy Shaw, P.E. Black & Veatch**

11:15 – 11:45 AM Alarm Management: How to do it, Required Documentation and Lessons Learned; **Joanne MacDougall, P.E., Gulf Coast Authority**

11:45 – 12:15 AM Got Gas? The mechanics of turning your renewable natural gas into RINs; **John Willis, P.E. Brown and Caldwell, Sri Koduri, P.E., BCEE Brown and Caldwell**

Future Meetings:

- a. September 23, 2022 – San Antonio Texas (SAWS)
- b. November 2022 – WEAT/TACWA Horizon Conference (includes TACWA business meeting just prior)
- c. January 27, 2023 – City of Corpus Christi
- d. March 31, 2023 – TBD

President Bill Gase closed with thanks to Gulf Coast Authority and the City of Houston for hosting and to the sponsors Freese & Nichols, Carollo Engineers, Black & Veatch, Gulf Coast Authority, and Brown and Caldwell.

Meeting adjourned at 12:30 PM