

A Message from the Executive Director

By Carol Batterton, Executive Director



Bacterial Monitoring. The Texas Commission on Environmental Quality (TCEQ) and US EPA recently agreed on an approach to dealing with bacterial limits and monitoring requirements in wastewater discharge permits. EPA had previously expressed concerns to TCEQ about permits that used chlorine for disinfection, but did not contain water quality based effluent limits and monitoring requirements for bacteria. The agreement outlined in a letter from TCEQ to EPA, calls for the following short term actions:

- Bacteria limits and monitoring will be required for any permittee discharging to water body listed as impaired for bacteria under certain circumstances including a new or amended permit for increased flow, a discharge to waters used for oyster harvesting, an effluent sample submitted with an application that exceeds 100 colonies/100 ml, or the discharge is into a segment covered by an approved TMDL for bacteria.
- All domestic dischargers over 5mgd will be required to monitor for bacteria if they discharge to water bodies listed as impaired for bacteria.
- Bacteria limits and monitoring requirements will be in effect when the permit goes into effect.

TCEQ will also initiate rulemaking this fall to develop a long term solution which will include bacterial effluent limits and monitoring requirements for all domestic dischargers. TCEQ expects to have a proposal to the Commission by July 2009 with rules adopted by December 2009.

WET Limits. WEAT, in conjunction with TACWA, TWCA, and TML, sponsored a one day meeting for municipal dischargers to develop a consensus proposal to be presented to TCEQ on how decisions would be made to include a WET limit rather than just monitoring requirements in a permit, what provisions should be included in the permit, and what would trigger an enforcement action. Over thirty representatives of wastewater utilities attended and developed proposals for WET reasonable potential determination, WET permit provisions, and WET enforcement and compliance history protocols.

Key components of the reasonable potential determination include a two tiered screening analysis and different criteria for lethal and sub-lethal screening. The group also proposed wording for a definition of the WET limits and TRE provisions in the permit, along with

suggested triggers for enforcement.

TCEQ will be encouraged to include these concepts in the consensus proposal in the revised Texas Surface Water Quality Standards and Implementation Procedures. At this time, Commission staff anticipates proposing the water quality standards rules in the Fall of 2008.

TCEQ Water Quality Reorganization. TCEQ Executive Director Mark Vickery recently announced the formation of a Water Quality Planning Division in the Chief Engineer's office. This new division will be headed by Kelly Keel and will provide a more coordinated approach to water quality planning. In addition, Matt Baker, who had previously headed the Enforcement Division, will move to Monitoring Operations Division, and Bryan Sinclair will become head of TCEQ's Enforcement Division.

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