

# **Texas Commission on Environmental Quality 12/11/19 Oil and Gas Discharge Delegation Stakeholder Meeting Notes**

## **Questions from the audience**

### **Rulemaking: O&G Effluent Limitation Guidelines**

Q. Are we expecting EPA to come out with changes to 40 CFR 435 and 437 or will EPA maintain the same standards?

A. TCEQ is planning to adopt the current version of the rules. We are not able to answer for any future changes being contemplated by EPA.

Q. Does produced water include stormwater?

A. The definition of produced water does not mention stormwater.

### **Revise Hydrostatic Test General Permit**

Q. What is the status of the Hydrostatic Test General Permit?

A. TCEQ is in the process of renewing the general permit. Additionally, we have started drafting an amendment to expand the permit applicability to hydrostatic testing of oil and gas related vessels.

### **Revise TCEQ/Railroad Commission MOU**

Q. What is HB 2230?

A. HB 2230 is from the 84<sup>th</sup> session. The Bill involves injection wells and disposal wells.

### **Develop NPDES Application and TCEQ/EPA MOA**

Q. Will the application become available for public stakeholder comment or will EPA's comments begin the public comment process?

A. Currently, we are focused on developing the document that we will share with EPA and the task force. We are looking at our process and we will discuss what the process will be. We will keep the stakeholders informed.

### **Enforcement Initiation Criteria (EIC) Revisions**

Q. Will the current version of the EIC cover the delegated programs or are we waiting to make the proposed revisions?

A. The current EIC will cover the programs for different violations. There are different parts of the EIC that are specific, and the next version will look at more specific categories.

We have a two year cycle for the EIC that we are working on. The current revision that we are working on will be effective on September 2020. The following version will include the additional requirements.

### **Additional Questions:**

Q. If effluent limitation guidelines prohibit process discharges, what will TCEQ be permitting?

A. We will follow the effluent guidelines. If a discharge is prohibited, it will continue to be prohibited.

Q. Regarding NPDES and RRC, will permittees still have a NPDES Permit and a RRC Permit?

A. With the delegated authority, TCEQ will be able to issue one permit.

Q. When the TCEQ permit becomes active, what will be the effect on current facilities with RRC and TCEQ permits? Will the RRC permit go away, and permittees will have just one TCEQ permit? Or, will there be a TCEQ permit and the RRC permit?

A. New applications that we receive after delegation, will have one permit. For existing facilities, we will need to consider how to transition those permits into a single permit.

Q. When the TPDES permit becomes active, will entities start reporting to TCEQ?

A. TCEQ permits will have state and federal authority. Once an entity has a TPDES permit, it will supersede the RRC and EPA permit. At that time, all reporting will be to TCEQ.

Q. There is a general prohibition under 40 CFR regarding the discharge of wastewater west of the 98<sup>th</sup> parallel. There is a provision that allows the beneficial use of wastewater. Will we include information in our rule packet?

A. There are federal regulations for east and west of the 98<sup>th</sup> meridian. When we adopt the regulations, we will adopt the same regulatory scheme. We do not plan to change how permits are written.—When we issue a permit, it will include 40 CFR regulations. EPA is currently considering the issues and plans to develop a whitepaper.

Q. TCEQ presented information on the project timeline at the last stakeholder meeting. Are we still planning to submit our application to EPA in the spring of 2021?

A. We may be finished sooner. We are working on the hydrostatic test general permit and we are discussing the MOU with RRC. We were able to combine some tasks and work on them in parallel. As we learn more, we will be able to look for efficiencies. We may be done sooner, and we will keep the stakeholder group updated.