



**TACWA Meeting Minutes**  
**Austin, Texas (virtual)**  
**March 25, 2022**  
**9:00 a.m.**

The Texas Association of Clean Water Agencies (TACWA) meeting on March 25, 2022, was hosted by the City of Austin and sponsored by AECOM, Black & Veatch, and Carollo.

Around 90 people signed up for the ZOOM meeting.

**Business Meeting:**

- President Gase opened the business meeting, welcomed guests, and thanked the City of Austin for hosting and the sponsors for their contributions.
- Welcome – Ayman Benyamin, P.E., Operations Manager, Austin Water - welcomed everyone to Austin and provided keynote opening remarks.
- Approved the January 28, 2022, Meeting Minutes.

**Meg Pierce-Walsh:**

- Nutrients regulatory updates
  - The water quality standard changes proposed by the TCEQ and currently on public notice do not include nutrients. The WEAT nutrient committee has a draft white paper compiled on the findings of soliciting input from other jurisdictions on their nutrient standards and implementation. The white paper highlights the difficulties of implementing standards as effluent limits in permits and proposes a path forward for implementing nutrient limits in permits. The proposed path forward is based on Colorado's approach, which allows for long-term planning and factors in avoiding some of the difficulties that other states have faced, including Montana, the first state to adopt nutrient standards. Montana had to recently repeal the standards.
  - Peter Reale with Plummer will be sending out the nutrient committee's white paper.
- PFAS water quality criteria and wastewater effluent limits update
  - TCEQ recently stated that they currently do not have any plans to identify water quality criteria for surface waters. Furthermore, they are not requiring any PFAS monitoring in TPDES Permits currently. Instead, TCEQ is waiting for future rulemakings that may impact the NPDES permitting process.
  - How might future rulemakings work? EPA is currently developing aquatic life criteria for PFOA and PFOs and benchmarks for other PFAS where there is not enough information available to develop criteria. EPA draft aquatic life criteria were externally peer reviewed and are now under EPA review before being released for public comment. The pace for this process has been moving along since EPA first published



their roadmap last year, and the anticipated timing matches the planned EPA roadmap schedule for late-2022. Draft human health criteria based on fish consumption and drinking water are ongoing and have a longer lead time into 2024.

- So, what can happen from here? TCEQ will continue to review PFAS criteria and like any EPA nationally recommended criteria can opt to adopt into state rule or used as guidance for developing their own criteria.
- San Francisco challenges EPA
  - This is a court case that may be of interest to operators of community sewer systems. City and County of San Francisco is challenging the EPA regarding their NPDES permit that was issued following completion of their combined sewer overflow long term control plan. Last week, the U.S. Appeals ninth circuit court heard oral arguments on this case. Two primary issues are at hand:
    - Can permit writers require a city to revisit a long-term control plan without water quality data demonstrating such and need?
    - And is the statement that discharges cannot “cause or contribute” to water quality standards violations appropriate in NPDES permits.

This is an interesting case because it touches on interpretation of generic language in the CWA, CSO policy, and protecting communities that have invested resources into combined sewer system infrastructure. NACWA recently published an amicus brief on this issue if you are interested: [nacwa-casa-louisville-nyc-ninth-cir-amicus-brief.pdf](#).

### **Janet Sims:**

- TCEQ’s 2022 Triennial Revisions of the Texas Surface Water Quality Standards (TSWQS) Revisions to the TSWQS are scheduled to be published in the TX Register, March 25, 2022. Public comment period ends May 2, 2022. Adoption of the revisions by TCEQ is planned for September. After TCEQ adoption, the revisions must go to EPA for approval. Revisions to the TSWQS include the following:
  - Temporary standards provisions were revised.– Temporary standards are used when established criteria are not attainable for a particular reason. A permit limit is based on best reduction achievable or best available technology at the time. The goal is to allow time for facilities to make progress and eventually achieve the underlying standard. Revision to the provision clarified that temporary standards must be re-evaluated every five years, which can be accomplished through the permit process or through the triennial review. The provision was clarified that EPA will have the authority to approve the evaluations to continue the temporary standards.
  - Bio-accumulation Factor – The definition for bio-accumulation factor was added. These are used with human health protection parameters. The factor is the ratio of the concentration of a chemical accumulated in the fish tissue to concentration of that same chemical in ambient water quality.



- Method detection limit definition was updated to be consistent with the EPA 2017 Method Update Rules. The method detection limit is now the minimum concentration that can be measured and reported at 99% confidence that the concentration is distinguishable from the method blank result versus what was formerly zero.
- Aquatic Life Use Criteria were changed for cadmium.
- Several Human Health Criteria were changed based on current scientific information and newly updated EPA criteria documents.
- New standard for high saline inland waters for primary contact recreation II were adopted. The geometric mean criterion for enterococci is 54 per 100 ml.
- There were several site-specific changes, recreational uses with bacteria levels updated based on use attainability analyses conducted by TCEQ. Most went from primary contact recreation I to secondary contact recreation.
- Changes to surface drinking water supplies include removal of two lakes and the addition of one.
- Aquatic life uses changes for a few segments.
- New site-specific copper standards are adopted in Appendix E of the standard.
- 2022 Texas Integrated Report for Clean Water Act. Public comment period is completed. TCEQ is in process of revising the Report based on comments. The public comments and revisions will be posted prior to going to the commissioners and EPA for approval.

**Julie Nahrgang:**

- 88<sup>th</sup> Regular Session of the Texas Legislature – Key Dates: November 8 – Election Day, November 14 – 1<sup>st</sup> day of pre-filing, January 10 – 1<sup>st</sup> day of 87<sup>th</sup> Lege, May 29 – Sine Die
- 87<sup>th</sup> Regular Session: Special Sessions 1,2,and 3: July 8(1), August 2(2), September 20(3)
- Redistricting drawn to favor Incumbent (predicted results)
 

○ US House	Texas Senate	Texas House
2010: 36 total, 23R – 13D	-31 total, 18R – 13D	-150 total 83R-67D
2020: 38 total, 25R – 13D	-31 total, 19R – 12D	-150 total 85R-65D
- TCEQ, TWDB and PUC under Sunset Review
  - TCEQ’s Sunset review will be through mid-May
  - TDWB’s Sunset review will be through the end of March
  - PUC’s Sunset review will be between April and November 20
- Rep Larson and Rep. Eddie Lucio III will not seek reelection (-water thinker and leader, -interested in ASR and desalination, -both served on the House Natural Resources Committee w/Larson as Chair)
- Retirements, Resignations, & Re-election Changes – Lyle Larson (R), Eddie Lucio III(D), Alex Dominguez (D) running for TX Senate, Kyle Biederman (R)
- Senate Bill 3 Timelines
  - Submit power providers and critical load list of water and wastewater facilities to PUC by Nov 1, 2021
  - Backup power plans for water utilities due to TCEQ by March 1, 2022 – 90-day extension can be requested
  - Plan Implementation Deadline, July 1, 2022
  - Maintain 20 PSI during power outages more than 24 hours
  - TCEQ support available to develop plans



- Financial hardship exceptions
- Interim Charges
  - House charges announced March 10
  - Implementation Oversight of Key bills passed
  - SB3...SB8
  - SB 601 Produced Water Consortium
  
- **Gordon Pederson (NACWA Report):**
  - April 1 – All peak performance awards must be in to NACWA
  - April 8 – Excellence to Management Awards due
  - Apr 24-30 – National Water Policy Fly-in in Washington DC
  - April 27 – NACWA policy Fly-in
  - May 17 – Pretreatment Workshop
  - July 24 – Face to-face leadership conference in Seattle, WA
  
- **Wes Kucera (NACWA Update):**
  - PFOA and PFOS – NACWA’s involved with Congress and EPA on that issue
  - Cyber-security – NACWA’s engaged in discussions with EPA (bills may be incl in CWA). Want this structured so it is not a burden to utilities. Concerns whether utility operations are being protected across the utilities
  - Thanks to NACWA board members for critical role in CWSRF, helping communities finance infrastructure projects.

#### **Technical Presentations:**

- “Walnut Creek WWTP Expansion to 100 MGD”,  
Behnoush Yeganeh, PE, LEED AP, Project Manager, **AECOM**
  
- “The Next Generation of BNR: Investing Today for a More Efficient Tomorrow”  
Leon Downing, PhD, PE, and Andrew Shaw PhD, P.E., BCEE, Env SP, **Black & Veatch**
  
- “The Biggest Little Plant in Austin: Expansion of the Wild Horse Ranch WWTP”  
Danny Hurtado, **Carollo**

#### **Future Meetings:**

- a. March 25, 2022 – Austin Texas (Austin Water)
- b. May 20, 2022 – Flower Mound Texas (UTRWD)
- c. July 22, 2022 – Houston Texas (City of Houston and Gulf Coast Authority)
- d. September 23, 2022 – San Antonio Texas (SAWS)
- e. November – WEAT/TACWA Horizon Conference

**Meeting adjourned at 11:45 AM**