



New Bacteria Testing Requirements for TPDES Permits



Why?

- **EPA has raised concerns regarding permits for domestic discharges that use chlorine for disinfection but do not require the discharger to monitor bacteria in their effluent or to have a water quality based effluent limit**
- **EPA had objected to 89 wastewater permits in the state**
- **If TCEQ fails to revise rules to include effluent limitation and monitoring for bacteria by December 31, 2009, EPA will object to all domestic wastewater permits proposed after January 1, 2010.**



Interim Approach

- **Draft permits for which Notice of Application and Preliminary Decision is provided between July 1, 2008 and December 31, 2009**
- **Bacteria limits and monitoring requirements will be effective on the effective date of the permit**
- **Bacteria limits and/or monitoring requirements will be for the applicable indicator bacteria for the segment being discharge into**
- **Must switch from fecal coliform to indicator bacteria (*E. coli* or enterococci) within 6 months of permit issuance**



Interim Approach

- **All permits for domestic discharge will include the following language:**
 - “The permittee is hereby placed on notice that the Executive Director of the Texas Commission on Environmental Quality (TCEQ) will be initiating rulemaking and/or changes to procedural documents that may result in bacteria effluent limits and monitoring requirements for this facility.”



Interim Approach cont. Domestic Discharges

- **Bacteria limits and monitoring requirements will be included in permits for domestic dischargers that discharge into water bodies listed as impaired for bacteria on the 2008 303(d) List and that meet one of the following requirements:**
 - a) Effluent sample exceeds 100 cfu/100ml**
 - b) Application is for a new discharge**
 - c) Application is to increase permitted flow**
 - d) Discharges into oyster waters**
 - e) Discharges to a segment covered by a TCEQ and EPA approved TMDL**



Interim Approach cont.

Monitoring Frequency for Small (<5 MGD) Domestic Discharge

- If a facility meets the condition in **a**, on above slide, the sampling frequency will be as follows:
 - Between 100 cfu/100ml and water quality standard (geometric mean) – 1 sample/week
 - >water quality standard (geometric mean) but <single sample maximum – 3 samples/week
 - Greater than single sample maximum – 5 samples/week
- If a facility meets the condition in **b**, **c**, **d**, or **e** the sampling frequency will be 1 sample/week



Interim Approach cont.

Monitoring Frequency Large (>5mgd) Domestic Discharges

- **If discharges into water bodies listed as impaired for bacteria on the 2008 303(d) List monitoring frequency will be:**
 - **≥ 50 MGD = 5 samples/week**
 - **≥ 20 MGD but < 50 MGD = 3 samples/week**
 - **≥ 5 MGD but < 20 MGD = 1 timer/week**



Long Term Resolution

- The Executive Director will present a rule proposal to the Commission by July 1, 2009, to revise the state rules and/or procedural documents to **include effluent limitations and representative monitoring of bacteria** in all TCEQ domestic wastewater permits. Rule will be effective by December 31, 2009.
- TCEQ will implement the revisions in all TPDES domestic wastewater draft permits for which Notice of Application and Preliminary Decision is provided on or after January 1, 2010.



Brazos River Authority



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