

TCEQ BIG I-Plan Comments

Implementation Activity 2.1.1: *Develop Utility Asset Management Programs for Sanitary Sewer Systems*

All permits for new WWTFs shall include a UAMP plan. Starting five years from the approval of the I-Plan, all permit renewals shall include a UAMP plan. As allowable by law, the UAMP plan should apply to any subscriber systems that contribute to the WWTF.

Comment

The TCEQ would appreciate the option of considering if wastewater permits should include a UAMP on a case-by-case basis starting five years from the approval of the I-Plan. This would help the TCEQ manage resources and workloads.

Implementation Activity 2.5.1: *Identify subscriber systems*

Second, the BIG can petition the TCEQ for rulemaking to require registration of subscriber systems. As resources are available, H-GAC or another appropriate agency shall distribute information about subscriber systems. If stakeholder concerns regarding subscriber systems remain after five years, the BIG may consider petitioning the TCEQ to require that subscriber systems have their own wastewater discharge permits.

Comment

The TCEQ believes that neither the statutes nor rules provide authority to require the subscriber systems to register with, or be permitted by, TCEQ. The TCEQ suggest that the BIG consider that if stakeholder concerns regarding subscriber systems remain after five years, the BIG consider consulting with the TCEQ to determine the available options to address the issue.

Implementation Activity 2.6: *Restructure Penalties for Violations*

The TCEQ should evaluate penalties and recommend changes for consideration. The TCEQ should consider making penalties for repeat violations a more effective deterrent than they currently are.

Comment

The TCEQ has revised penalties in the recently revised Penalty Policy # 3 (effective September 1, 2011). Penalties have increased to \$25,000 per day per violation for wastewater discharges. Previously it was \$10,000 per day per violation. By increasing the penalties it is anticipated that this will act as a deterrent towards repeat violations. Often there are other reasons for continued non-compliance such as a lack of money to fix the problems. The legislature changed the rules for Supplemental Environmental Project (SEP) money, so some wastewater systems may be eligible for a Compliance SEP which could allow them to invest their penalty money back into their system for repairs. The TCEQ will continue to examine enforcement, incentives, and training for

improvement to encourage proper operations of Waste Water Treatment Plants. The TCEQ believes that it is not necessary to include this request at this time because the increased penalty policy needs the time to see if it has the desired effect.

Implementation Activity 3.3: *Texas On-site Wastewater Treatment Research Council Fee*

As of 2010, new permit applications include a fee of \$10 to be directed to this council. This fee should be changed to \$20 for each OSSF by changing the Tex. Health and Safety Code Ann 367.010 and it implementing regulation 30 Tex. Admin. Code 285.21.

Comment

Because state employees are prohibited from lobbying, the TCEQ cannot have a part in proposing any changes to legislation relating to the fee increase, and these activities would not be conducted by TCEQ staff. The TCEQ would appreciate clarification of this statement to make it clear that TCEQ would not have a role in this activity.

Implementation Activity 4.3.1: *Encourage Expansion of Storm Water Management Programs*

The BIG encourages the TCEQ to consider bacteria loading when evaluating and approving MS4 permit renewals.

Comment

Bacteria loadings are very difficult to determine and to help the TCEQ manage resources and workloads it would be more efficient to consider the effectiveness of proposed BMPs at reducing bacteria loadings.