

Changes Included in the I-Plan Approved by TCEQ for Public Comment

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

Original text:

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.

UAMPs provide....

Text approved at meeting on May 22, 2012:

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

UAMPs provide....

“Compromise” text submitted to BIG Members for consideration on June 4, 2012, in response to additional TCEQ comments:

The BIG requests that all permits for new WWTFs discharging to a stream within the BIG project area include a UAMP plan. The BIG also requests that, starting five years from the approval of the I-Plan, all permit renewals for WWTFs discharging to a stream within the BIG project area include a UAMP plan. As allowable by law, the UAMP plan should apply to any subscriber systems that contribute to the WWTF.

The intent of the BIG is that all permits for WWTFs discharging to a stream within the BIG project area include requirements for UAMP plans. The BIG recognizes that valid constraints may prevent the TCEQ from including such requirements in all plans and that, in such situations, TCEQ may encourage those facilities to voluntarily develop such plans.

H-GAC or other appropriate entities shall, as resources are available, track the inclusion of UAMP plan requirements in WWTF permit and the voluntary development of UAMP plans by permitted facilities not subject to permit requirements for UAMP plans. The BIG shall evaluate the adoption of UAMP plans and whether additional actions should be recommended.

These recommendations are intended to reduce bacteria loading by reducing the possibility of malfunctions such as blockages, line breaks, inflow and infiltration of storm water and groundwater, lapses in operation, inadequate design and construction, power failures, and vandalism. By reducing the probability of malfunction, the BIG intends that UAMP plans will

reduce the possibility of discharges of untreated or partially treated sewage from a sanitary sewer system, at the same time they improve the services provided to customers.

UAMPs provide....

Two comments were received from the BIG in addition to general approval:

- "...the response is good and holds lots of explanation and emphasis while still allowing the TCEQ to not observe the mandatory language of the initial language. As I and others stated in the BIG Annual Meeting, the TCEQ is in the unique regulatory position of issuing permits and should take this responsibility very seriously and assist the BIG Project Area by making a concerted effort to include UAMP plans in all permits and any subscriber systems. I would prefer to keep the original mandatory language. Please do what you can to keep the TCEQ at or as close as possible to our original mandatory language on this activity."
- "The BIG requests that all permits for new WWTFs discharging to a stream within the BIG project area include a UAMP plan for any sanitary system owned and operated by the new WWTF. The BIG also requests that, starting five years from the approval of the I-Plan, all new permit renewals for new WWTFs discharging to a stream within the BIG project area include a UAMP plan for any sanitary system owned and operated by the new WWTF. As allowable by law, the UAMP plan should apply to any subscriber systems that contribute to the new WWTF.

"The intent of the BIG is that all permits for WWTFs with authority over the collection system discharging to a stream within the BIG project area include requirements for UAMP plans. The BIG recognizes that valid constraints may prevent the TCEQ from including such requirements in all plans and that, in such situations, TCEQ may encourage those facilities to voluntarily develop such plans."

Text consistent with 'Changes since Backup for the Implementation Plan for 72 TMDLs for Indicator Bacteria in the Houston-Galveston Region' for Docket No. 2011-1865-TML:

The BIG requests that all permits for new WWTFs discharging into a stream within the BIG project area include a UAMP plan for any sanitary system owned and operated by the new WWTF. The BIG also requests that, starting five years from the approval of the I-Plan, all permit renewals for WWTFs discharging to a stream within the BIG project area include a UAMP plan for any sanitary system owned and operated by the WWTF. As allowable by law, the UAMP plan should apply to any subscriber systems that contribute to the WWTF.

The intent of the BIG is that all permits for WWTFs with authority over the collection system discharging to a stream within the BIG project area include requirements for UAMP plans. The BIG recognizes that valid constraints may prevent the TCEQ from including such requirements in

all plans and that, in such situations, TCEQ may encourage those facilities to voluntarily develop such plans.

H-GAC or other appropriate entities shall, as resources are available, track the inclusion of UAMP plan requirements in WWTF permits and the voluntary development of UAMP plans by permitted facilities not subject to permit requirements for UAMP plans. The BIG shall evaluate the adoption of UAMP plans and whether additional actions should be recommended.

These recommendations are intended to reduce bacteria loading by reducing the possibility of malfunctions such as blockages, line breaks, inflow and infiltration of storm water and groundwater, lapses in operation, inadequate design and construction, power failures, and vandalism. By reducing the probability of malfunction, the BIG intends that UAMP plans will reduce the possibility of discharges of untreated or partially treated sewage from a sanitary sewer system, at the same time they improve the services provided to customers.

UAMPs provide....

Implementation Activity 2.5.1: Identify subscriber systems

Original Text

Two approaches shall be taken to identify subscriber systems. First, as resources are available, H-GAC shall contact WWTF permittees and ask them to provide information regarding 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.

Text approved at meeting on May 22, 2012:

Two approaches shall be taken to identify subscriber systems. First, as resources are available, H-GAC shall contact WWTF permittees and ask them to provide information regarding 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 consulting with the TCEQ to address subscriber systems or petitioning the TCEQ to require that subscriber systems have their own wastewater discharge permits.

Text consistent with 'Changes since Backup for the Implementation Plan for 72 TMDLs for Indicator Bacteria in the Houston-Galveston Region' for Docket No. 2011-1865-TML:

Same as May 22, 2012, approved text.

Implementation Activity 2.6: Restructure Penalties for Violations

Original text:

The TCEQ's existing penalties do not always deter poor maintenance or operation of sanitary sewer systems. Instead, some may consider penalties for sanitary sewer violations to be a cost of doing business that is less expensive than fixing the problem. 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.

Text approved at meeting on May 22, 2012:

The TCEQ recently revised its Penalty Policy #3 to address concerns raised during its most recent Sunset review. Furthermore, the legislature changed the rules for Supplemental Environmental Project (SEP) money to allow penalties to be spent on system repairs. The BIG requests that by March 1, 2017, the TCEQ shall analyze and provide a report on the effectiveness of the new policy and rules during the first five years of their implementation in the BIG project area. TCEQ shall review the report to determine whether the changes have caused the desired effects of deterring repeat violations and encouraging repairs to systems.

Upon evaluation of the report, the BIG shall determine whether to petition the TCEQ for further rulemaking if, in its opinion, the report does not indicate adequate progress.

“Compromise” text submitted to BIG Members for consideration on June 4, 2012, in response to additional TCEQ comments:

The TCEQ recently revised its Penalty Policy #3 to address concerns raised during its most recent Sunset review. Furthermore, the legislature changed the rules for Supplemental Environmental Project (SEP) money to allow penalties to be spent on system repairs.

The BIG requests that by March 1, 2017, the TCEQ prepare a report on the effectiveness of the new policy and rules during the first five years of their implementation in the BIG project area. The BIG requests that, when preparing the report, the TCEQ consider whether the policy changes have deterred repeat violations and encouraged repairs to systems.

The BIG shall review the report to determine whether the changes have caused the desired effects of deterring repeat violations and encouraging repairs to systems. Upon evaluation of the report, the BIG shall determine whether to petition the TCEQ for further rulemaking if, in its opinion, the report does not indicate adequate progress.

One comment was received from the BIG in addition to general approval

- “I prefer the refined language that is labeled ‘Possible Compromise Proposal’. This places the performance review more squarely on the BIG”

Text consistent with ‘Changes since Backup for the Implementation Plan for 72 TMDLs for Indicator Bacteria in the Houston-Galveston Region’ for Docket No. 2011-1865-TML:

[Title Change: “Implementation Activity 2.6: Penalties for Violations”]

The TCEQ recently revised its Penalty Policy #3 to address concerns raised during its most recent Sunset review. The legislature added Texas Water Code Section 7.067 to allow the TCEQ discretion to approve a Supplemental Environmental Project (SEP) that would assist local governments that are respondents in enforcement actions to come into compliance with

environmental laws or to remediate the harm caused by those violations. The Statute requires the TCEQ to review the penalty policy regularly.

Implementation Activity 3.3.1: Texas On-site Wastewater Treatment Research Council Fee

This recommendation was removed from the plan.

Sections 3.3.2 and 3.3.3 were renumbered to reflect the removal of the original section in Implementation Activity 3.3.

No further changes were made subsequent to BIG revisions on May 22, 2012.

Implementation Activity 4.3.1: Encourage Expansion of Storm Water Management Programs

Original text:

Local governments are encouraged to focus their existing programs on activities that are specific to bacteria reduction. The BIG encourages the TCEQ to consider bacteria loading when evaluating and approving MS4 permit renewals.

Text approved at meeting on May 22, 2012:

Local governments are encouraged to focus their existing programs on activities that are specific to bacteria reduction. The BIG encourages the TCEQ to consider bacteria when evaluating and approving MS4 permits within the BIG project area.

No further changes were made subsequent to BIG revisions on May 22, 2012.