Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 8, 2013

EPA Docket Center (EPA/DC)
U.S. Environmental Protection Agency
Mail Code 28221T
1200 Pennsylvania Ave, NW
Washington, DC 20460

Attn: Docket ID No. EPA–HQ–OEI–2012–0774

Re: Announcement of Availability and Comment Period for Draft Quality Standard for Environmental Data Collection, Production, and Use By Non-EPA (External) Organizations

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to respond to the United States Environmental Protection Agency's (EPA) proposal published in the December 26, 2012, edition of the *Federal Register* entitled: "Announcement of Availability and Comment Period for Draft Quality Standard for Environmental Data Collection, Production, and Use By Non-EPA (External) Organizations and two associated QA Handbooks."

Enclosed please find the TCEQ's comments relating to the EPA proposal referenced above. If you have any questions concerning the enclosed comments, please contact Sharon Coleman, Monitoring Division, Office of Compliance and Enforcement, (512) 239-6340, or at sharon.coleman@tceq.texas.gov.

Sincerely,

Zak Covar
Executive Director

Enclosure

Texas Commission on Environmental Quality Comments on Announcement of Availability and Comment Period for Draft Quality Standard for Environmental Data Collection, Production, and Use By Non-EPA (External) Organizations

Docket ID No. EPA–HQ–OEI–2012–0774

The Texas Commission on Environmental Quality (TCEQ) provides the following comments on the United States Environmental Protection Agency's (EPA) proposed rule referenced above. The proposed rule was published in the December 26, 2013, issue of the *Federal Register* (77 FR 76035).

I.   Background

On December 26, 2013, the EPA published the Draft Quality Standard for Environmental Data Collection, Production, and Use by Non-EPA (External) Organizations. The proposed standard is the third revision of EPA quality assurance (QA) requirements and comprises the consolidation of those documents which were last updated in 2001. The proposed standard explicitly lists (for the first time) the types of environmental data operations that may need to be documented under Quality Assurance Project Plans (QAPPs).

II.   TCEQ Comments on the Proposed Rule

1.   The EPA's requirement that all project reports must be reviewed by the Quality Assurance Manager or authorized representative is overly burdensome.

The proposed standard (Section 7.9.1) states that project reports must be reviewed by the QA Manager or authorized representative defined in the quality management plan (QMP). Grant agreements do not contain language requiring such reviews. Requiring QA review of <u>all</u> project reports would not only significantly delay final report production, but would increase QA staff workloads exponentially.

TCEQ recommends that QA Manager/QA staff review of final reports be allowed on a case-by-case basis, depending upon criteria established during the grant development process, and subject to QA Manager approval.

2.   The EPA's requirement that all original reviewers must approve each substantive change to a quality assurance project plan is onerous.

The proposed standard (Annex B2.2) requires substantial changes to the QAPP, whether included as revisions or addenda, to be approved by all original authorities. Not all original QAPP reviewers will be affected by or need to have input for certain

changes. Further, there are often reviewers/participants from several entities across the state (and sometimes different states). For these reasons, this requirement would result in increases to workloads and delay the implementation of work activities without any benefits, agencies should be able to determine the appropriate level of review and approval for substantive changes on a case-by-case basis.

3. The list of activities involving environmental data encompassed by the Standard should include geospatial data.

There has been an increase in the use of geospatial data in environmental projects in the last several years. EPA has previously indicated that QAPPs should be developed for production and/or acquisition of these data, and has published guidance specific to geospatial data in the EPA publication QA/G-5G. (This guidance should also be referenced in Section 7.5.1 EPA 2013d, "Handbook for Developing Quality Assurance Project Plans.")

It is imperative to address of geospatial data QAPP requirements in the Standard to ensure that all non-EPA organizations will take early notice of those requirements. Otherwise, there is a risk that geospatial data will not be covered under initial QAPPs, that the data may have to be qualified or discarded, and the work performed may not be reimbursed.

4. The EPA should clarify the applicability of the QA requirements for specific types of grantee organizations.

EPA states that the proposed standard does not expand its definitions or applicability, but instead further articulates QA requirements that can apply to a broad range of grantee organizations. TCEQ interprets this to mean that all requirements are not applicable to all organizations. Texas requests that EPA clarify which requirements apply to each organization.

5. The EPA should clarify the intended use of the guidance Handbooks for QAPPs and QMPs.

TCEQ understands that the guidance Handbooks for QAPPs and QMPs are not intended to articulate QA requirements nor are they intended to change current QA practices. As such, not every activity listed in the Handbooks will require coverage in a QAPP or QMP for all programs within a grantee organization. TCEQ requests that if EPA's intent is for the guidance to be applied more strictly and/or broadly, EPA should include those specific elements in the Standard.