

# The Advocate

Take Care of Texas For and about small businesses and local governments affected by environmental regulations

**October-December 2015 Archive** - Please note that archived articles are provided for your reference and the links they contain may no longer be active. If you need help to find information you believe is contained in a link that is no longer active, please call 1-800-447-2827 and we will assist you.

TCEQ Proposes Medical Waste Rules .....	2
TCEQ Proposes Changes to the Industrial Solid Waste and Municipal Hazardous Waste Rules	3
Free Workshop for Small Domestic Wastewater Systems About Asset Management .....	4
TCEQ Proposes Rules to Implement Public Health Service Fee for Public Water Systems.....	5
EPA’s New NPDES Electronic Reporting Rule Now Final .....	6
TCEQ Adopts Rules Related to Voluntary Operators for Public Water Systems.....	7
TWDB Financial Assistance Workshops .....	8
Rule Changes and Updates for Domestic Wastewater Systems.....	10
Texas Emissions Reduction Plan Accepting Grant Applications .....	11
Public Water System - Asset Management Workshops.....	12
Multi-Sector General Permit (TXR050000) Scheduled for Renewal; Public Meeting to be Held Nov. 16.....	13
Air Quality Open House.....	14
Water Finance E-News .....	15
TCEQ Adopts Amendments to the Evaporation Pond General Permit (GP) No. WQG100000..	16
EPA Issues New Ozone Standard .....	17
TCEQ Seeks Public Comment on a Proposed Amendment to the De Minimis Facilities or Sources List.....	18

# TCEQ Proposes Medical Waste Rules

**December 2015 - On Dec. 9, 2015, TCEQ commissioners approved publication of rulemaking implementing House Bill 2244, 84th Texas Legislature, related to the regulation of medical waste.**

The proposed rulemaking creates the new 30 TAC Chapter 326 for the handling, transportation, storage, and disposal of medical waste by amending and repealing portions of 30 TAC Chapters 330 and 335. The amendments also include operational changes that apply to medical waste facilities such as buffer zones and storage in transport vehicles at a facility. The rulemaking proposes to establish:

- Medical waste labeling and packaging for transport to a treatment or disposal facility;
- Exempt medical waste facilities;
- A process for medical waste operations to request a notification authorization;
- A Register by Rule for transporters and mobile on-site treatment units;
- Registration requirements for facilities that store or process untreated medical waste that is received from off-site sources; and
- Fees for solid waste processing for disposal with the state and registered transporters.

The proposed rule will be published in the Texas Register on Dec. 25, 2015, which opens the public comment period. Comments are due by Feb. 8, 2016. The TCEQ will hold a public hearing on Jan. 25, 2016, in Austin at the TCEQ Headquarters located at 12100 Park 25 Circle, Building E, Room 201S, at 10:00 A.M. The anticipated adoption is April 27, 2016.

To obtain a copy of the proposed rule, visit the TCEQ website at:

<https://www.tceq.texas.gov/rules/pendprop.html>

For more information on providing comments to the TCEQ, visit our website at:

<https://www.tceq.texas.gov/about/comments.html>

# TCEQ Proposes Changes to the Industrial Solid Waste and Municipal Hazardous Waste Rules

**December 2015 - On Dec. 9, 2015, TCEQ commissioners approved publication of proposed rulemaking that:**

- Incorporates changes set forth in the federal Resource Conservation and Recovery Act (RCRA);
- Establishes a new exclusion for certain steel slag, as set forth in House Bill 2598, 84<sup>th</sup> Texas Legislature;
- Establishes new requirements for the use of electronic manifests;
- Revises the export provisions of the cathode ray tube (CRT) rule; and
- Establishes new and revises existing hazardous waste recycling requirements under the definition of solid waste.

The proposed rules will be published in the Texas Register on Dec. 25, 2015, which opens the public comment period. Comments are due by Jan. 29, 2016. The TCEQ will hold a public meeting on Jan. 22, 2016, at 2 P.M. in Building E, Room 201S at the TCEQ Central Office located at 12100 Park 35 Circle, Austin, TX 78753.

For more information on providing comments to the TCEQ, visit our website at: <https://www.tceq.texas.gov/about/comments.html>

The draft rule language can be reviewed online in the Texas Register beginning Dec. 25, 2015 at: <http://www.sos.state.tx.us/texreg/index.shtml>

# Free Workshop for Small Domestic Wastewater Systems About Asset Management

**December 2015 - Operators, administrators, and others responsible for small domestic wastewater systems are invited to a free workshop about asset management in Round Rock on Jan. 13, 2016, at the Round Rock Public Library.**

The TCEQ's Small Business and Local Government Assistance section has developed an easy-to-use guide, *Managing Small Domestic Wastewater Systems* (RG-530), which is designed for the smallest of wastewater systems. The guide includes simple instructions and worksheets that can be used to complete and maintain an asset management plan with or without the use of a computer! An electronic version of the worksheets is also available that will automatically prepare a five-year budget, including an easy-to-follow projection of capital expenditures, allowing systems to plan for and finance future needs of the system.

This guide will be distributed and explained at the free workshop in January.

The workshop will provide operators, administrators, council members, and others with useful tools, resources, and an opportunity to begin asset management planning, which leads to better financial decisions that can help stop the costly cycle resulting from reacting to crisis situations.

Workshop presenters will demonstrate how to develop an asset inventory, how to prioritize needed repairs or replacement of assets, how to prepare a budget to determine how much money is needed to support the utility, and how to ensure the system is sustainable for the long term.

**Operators will earn 3.5 Continuing Education Units (CEUs) for attending a workshop.**

To register for this workshop, or for more information about other upcoming workshops, visit the TCEQ's website at <[www.tceq.texas.gov/goto/AM-workshop](http://www.tceq.texas.gov/goto/AM-workshop)> or call our toll-free hotline at 800-447-2827.

# TCEQ Proposes Rules to Implement Public Health Service Fee for Public Water Systems

**November 2015 - On Nov. 18, 2015, TCEQ commissioners approved publication of rulemaking that implements House Bill (HB) 1, Article IX, Section 18.04, 84th Texas Legislature. The legislation directs the agency to raise fee rates by rule to ensure adequate revenue is available to support the agency water appropriation.**

This rulemaking proposes to replace the current fee rates for the Public Health Service (PHS) fee authorized under 30 Texas Administrative Code 290.51. The rulemaking proposes to:

- Increase the Tier I (fewer than 25 connections) fee from \$100 to \$200;
- Increase the Tier II (25 – 160 connections) fee from \$175 to \$300; and
- Increase the Tier III (over 160 connections) fee from \$2.15 per connection to \$4.00 per connection.

The proposed rules will be published in the Texas Register on Dec. 4, 2015, which opens the public comment period. Comments are due by Jan. 11, 2016. The TCEQ will hold a public meeting on Jan. 5, 2016, at 10:00 a.m. in Building E, Room 201S at the TCEQ Central Office located at 12100 Park 35 Circle, Austin, TX 78753.

For more information on providing comments to the TCEQ, visit our website at: <https://www.tceq.texas.gov/about/comments.html>

The draft rule language can be reviewed in online in the Texas Register beginning Dec. 4, 2015, at: <http://www.sos.state.tx.us/texreg/index.shtml>

# **EPA's New NPDES Electronic Reporting Rule Now Final**

**November 2015 - On Sept. 24, 2015, the EPA signed the final rule which requires NPDES regulated entities to electronically submit specific permit and compliance monitoring information instead of filing paper reports.**

This rule will be implemented in two phases. Phase I becomes effective on Dec. 21, 2016, and Phase II becomes effective on Dec. 21, 2020. The following is a brief summary of the Phase I and Phase II requirements as they apply to NPDES regulated entities.

## **Phase I Requirements – effective Dec. 21, 2016**

- All NPDES regulated entities that are required to submit discharge monitoring reports (DMRs) must do so electronically using NetDMR.
- NPDES regulated entities include facilities that discharge wastewater (for example, facilities classified as major or minor dischargers, individually permitted facilities, and facilities covered by general permits).
- The TCEQ may grant Temporary Waivers to the electronic reporting rule in limited cases where adequate broadband access is not available or other situations as approved by the EPA.

## **Phase II Requirements – effective Dec. 21, 2020**

- All NPDES regulated entities that are required to submit a notice of intent (NOI), a notice of termination (NOT), a no exposure certification (NEC), or a low erosivity waiver (LEW) must do so electronically using STEERS (for example, Industrial Multi-Sector General Permits and Construction Stormwater General Permits).
- NPDES regulated entities that are required to submit the following periodic reports must do so electronically: Sewage Sludge/Biosolids Annual Program Reports, Concentrated Animal Feeding Operation (CAFO) Annual Program Reports, Municipal Separate Storm Sewer System (MS4) Program Reports, Pretreatment Program Reports, Significant Industrial User Compliance Reports (in municipalities without approved pretreatment programs), Sewer Overflow/Bypass Event Reports, and CWA Section 316(b) Annual Reports.
- The TCEQ may grant Temporary Waivers to the electronic reporting rule in limited cases where adequate broadband access is not available or other situations as approved by the EPA.

If you have any questions concerning the NPDES Electronic Reporting Rule, please contact Small Business and Local Government Assistance at 800-447-2827.

# TCEQ Adopts Rules Related to Voluntary Operators for Public Water Systems

**November 2015 - On Nov. 18, 2015, the TCEQ commissioners adopted revisions to 30 Texas Administrative Code (TAC) 290.46 and 290.47, to implement HB 1146.**

The rule:

- clarifies existing rules allowing public water systems to use volunteer licensed operators;
- requires a volunteer to be licensed by the executive director; and
- requires an owner or manager of a water system that is operated by a volunteer to maintain a record of each volunteer, contact information for the volunteer, and the time period for which the volunteer is responsible for operating the water system.

The effective date of the new rule is Dec. 10, 2015. For more information, go to:

<http://www.tceq.texas.gov/rules/adopt.html>

# TWDB Financial Assistance Workshops

**November 2015 - The Texas Water Development Board (TWDB) is pleased to invite you to their annual workshops across Texas highlighting their financial assistance programs.**

## **Discussion topics include:**

- Updates on the TWDB financial assistance programs
  - State Water Implementation Fund for Texas (SWIFT)
  - Clean Water State Revolving Fund (CWSRF)
  - Drinking Water State Revolving Fund (DWSRF)
  - Additional state-funded programs
- Upcoming funding cycles and important deadlines
- Update and demonstration of the Online Application System (OLA)

**All workshops begin at 9:00 a.m.**

## **The locations and dates of the Financial Assistance Workshops are:**

- **Lubbock – December 2** – South Plains Association of Governments, 1323 58th Street
- **Midland – December 3** – Region 18 Education Service Center, 2811 Laforce Boulevard
- **Granbury – December 9** – Granbury Resort & Conference Center - Brazos Ballroom, 621 E. Pearl Street
- **Waco – December 10** – City of Waco, Water Utility Services Department, Training Room, 425 Franklin Ave.
- **Austin – January 4** – Stephen F. Austin Building, 1700 N. Congress Avenue, Room 170
- **Laredo – January 5** – Laredo Community College, Fort McIntosh Campus, West End Washington Street
- **Weslaco – January 7** – Weslaco Business, Visitor and Event Center, 275 S. Kansas Avenue, Suite A
- **Victoria – January 12** – City of Victoria, Department of Public Works Training Room, 1301 SW Ben Jordan
- **Fredericksburg – January 13** – Hill Country University Center, 2818 E. Highway 290
- **Paris – January 14** – City of Paris, City Council Chamber, 107 E. Kaufman Street
- **Tyler – January 15** – Rose Garden Center, Camellia Room, 420 South Rose Park Drive
- **Kountze – January 20** – Hardin County Courthouse - West Wing County Court Room, 300 West Monroe Street
- **Conroe – January 21** – San Jacinto River Authority, G & A Building, Board Room, 1577 Dam Site Road

TWDB Regional Project Team members will be at the workshop to discuss specific project needs and answer any questions you may have. You may also schedule a pre-application meeting following the workshops by contacting your Regional [Project Team Manager](#) ahead of time.

**Please register as soon as possible as seating is limited.**

To register, please email your name, title, entity, email address, telephone contact information, and the workshop location you are planning to attend to [srfworkshops@twdb.texas.gov](mailto:srfworkshops@twdb.texas.gov).

General questions may be directed to your Regional Project Team Manager.

# Rule Changes and Updates for Domestic Wastewater Systems

**November 2015 - On Nov. 4, 2015, TCEQ commissioners adopted revisions to 30 Texas Administrative Code (TAC), Chapter 217, Design Criteria for Domestic Wastewater Systems, and “re-adopted” previously repealed rules in 30 TAC, Chapter 317, Design Criteria Prior to 2008.**

Some of the changes to Chapter 217 include:

- Adding new definitions and clarifying existing definitions;
- Adding design criteria and approval requirements for rehabilitation of existing infrastructure;
- Adding design criteria for new technologies, including cloth filters and air lift pumps;
- Making changes to reflect modern practices, standards and trends; and
- Modifying rule language to improve readability and enforceability.

The re-adoption of the Chapter 317 rules serves to correct an unintended consequence of repealing the rules in 2008 and replacing them with 30 TAC, Chapter 217. Because language was not included in the adoption of Chapter 217 to address facilities whose permits were issued in accordance with design criteria in Chapter 317, it created regulatory uncertainty for those owners and operators. The most efficient solution was to re-adopt Chapter 317, amend the applicability section to clarify which facilities are subject to Chapter 317, and clarify the commission’s initial and ongoing position that the facilities must be installed, operated, and maintained in accordance with the approved specifications, plans, and design criteria of Chapter 317. Plans and specifications for facilities submitted to the agency after Aug. 28, 2008, are subject to 30 TAC, Chapter 217.

Both the amendments to Chapter 217 and the re-adoption of Chapter 317 will be effective on Nov. 26, 2015. For more information about this rulemaking please visit the Rules Adoption page on the TCEQ’s website at: <https://www.tceq.texas.gov/rules/adopt.html>.

# Texas Emissions Reduction Plan Accepting Grant Applications

**November 2015 - Funding available to upgrade or replace heavy duty vehicles and equipment.**

The Texas Commission on Environmental Quality's Texas Emissions Reduction Plan program is accepting applications through **5:00 p.m. on Feb. 2, 2016**, for grants designed to reduce air pollution.

Emissions Reduction Incentive Grants fund upgrades or replacement of heavy-duty vehicles, non-road and stationary equipment to reduce nitrogen oxide emissions.

Owners of eligible vehicles and equipment that operate in counties in the nonattainment or near-nonattainment areas for national ambient air quality standards are eligible for funding. Eligible counties for this round of funding are:

**Austin area:** Bastrop, Caldwell, Hays, Travis, Williamson

**Beaumont-Port Arthur area:** Hardin, Jefferson, Orange

**Corpus Christi area:** Nueces, San Patricio, Victoria

**Dallas-Fort Worth area:** Collin, Dallas, Denton, Ellis, Henderson, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, Wise

**El Paso:** El Paso

**Houston-Galveston-Brazoria area:** Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller

**San Antonio area:** Bexar, Comal, Guadalupe, Wilson

**Tyler-Longview area:** Gregg, Harrison, Henderson, Rusk, Smith, Upshur

For detailed information on how to apply, informational workshops, and grant application forms, go to: [www.terpgrants.org](http://www.terpgrants.org) or call **toll-free at 1-800-919-TERP (8377)**.

Several free grant application workshops, dealer training and application assistance sessions are planned to explain changes to the ERIG program.

Sign up at: <https://www.tceq.texas.gov/airquality/terp/subscribe.html> to be notified about these workshops as they are scheduled.

# Public Water System – Asset Management Workshops

**November 2015 - The TCEQ will be conducting free workshops to help system owners, managers, and operators create an inventory and budget, identify maintenance needs, and assess their source.**

Three CEUs will be offered to water system operators. Workshops are planned for the following locations:

- **Dec. 1, 2015 – 1:00 PM – 4:45 PM**  
Texarkana College, Great Room in Truman Arnold Student Center  
2500 N Robinson Rd, Texarkana, TX 75599
- **Dec. 3, 2015 – 1:00 PM – 4:45 PM**  
Tyler TCEQ Region Office  
2916 Teague Dr, Tyler, TX 75701

For more information about the workshops visit <[www.tceq.texas.gov/goto/small-pws-workshop/](http://www.tceq.texas.gov/goto/small-pws-workshop/)> or call toll free 1-800-447-2827.

# **Multi-Sector General Permit (TXR050000) Scheduled for Renewal; Public Meeting to be Held Nov. 16.**

**October 2015 - The TCEQ is in the process of renewing the TPDES Multi-Sector General Permit for industrial facilities, TXR050000, which expires Aug. 14, 2016.**

The [proposed Multi-Sector General Permit](#) is now available for your review and comments.

A [public meeting will be held on Nov. 16, 2015](#), at the TCEQ Campus, 12100 Park 35 Circle, Building E, Room 201S, Austin TX 78753 and will also be available via [webcast](#).

Written public comments must be received by 5:00 p.m. on Nov. 16, 2015.

Written comments may be submitted to:

Office of the Chief Clerk (MC 105)

TCEQ

P.O. Box 13087

Austin, TX 78711-3087

Or submit comments online using the agency's [e-comments page](#).

# Air Quality Open House

**October 2015 - The Honorable Nelson W. Wolff, Bexar County Judge and the Texas Commission on Environmental Quality along with the City of San Antonio and the Alamo Area Council of Governments would like to invite you to attend an Air Quality Open House to be held in San Antonio on Nov. 2, 2015.**

The Air Quality Open House is a free, educational event designed to bring together the public, political leaders, neighborhood associations, nonprofits, businesses and students to learn about and discuss solutions to air quality issues in San Antonio and the surrounding area.

Learn about air quality and programs that are available to help reduce emissions. Visit exhibits and talk to experts from the TCEQ, Railroad Commission of Texas, Texas Department of Transportation, Bexar County, City of San Antonio, Alamo Area Council of Governments, Alamo Area Metropolitan Planning Organization and VIA Metropolitan Transit.

For more information on the event including time, location, registration information and more visit the [Air Quality Open House](#) website.

Seating is limited so register early. We hope you can join us.

# Water Finance E-News

**October 2015 - EPA's Office of Water/Office of Wastewater Management is offering a new quarterly e-mail newsletter called Water Finance E-News.**

It will provide updates for those seeking and providing funding for public water projects.

[Sign up for EPA's Water Finance E-News.](#)

The newsletter reports on program developments, trainings, and tools from the following programs:

- EPA's Clean Water State Revolving Fund
- Water Infrastructure and Resiliency Finance Center
- Water Infrastructure Finance and Innovation Act Program
- Clean Water Indian Set-Aside
- Alaska Native Villages and Rural Communities Grant Program
- U.S.-Mexico Border Water Infrastructure Program

Please forward this link to any contacts who might be interested in subscribing.

# **TCEQ Adopts Amendments to the Evaporation Pond General Permit (GP) No. WQG100000**

**October 2015 - On Sept. 9, 2015, TCEQ commissioners adopted amendments to the Evaporation Pond GP, which authorizes industrial or water treatment facilities to dispose of wastewater by evaporation from surface impoundments.**

October 2015 - On Sept. 9, 2015, TCEQ commissioners adopted amendments to the Evaporation Pond GP, which authorizes industrial or water treatment facilities to dispose of wastewater by evaporation from surface impoundments.

The amended permit corrects inconsistencies with waste regulations for surface impoundments. Now a greater number of facilities can use this general permit to obtain authorization. Amendments to the permit include:

- Exempting certain evaporation ponds from construction requirements;
- Removing a requirement for a 100-foot setback from surface water in the state; and
- Ensuring consistency with closure requirements in 30 Texas Administrative Code (TAC) Chapters 335 and 350.

Facilities currently authorized under the GP issued on March 26, 2014, do not need to submit a new Notice of Intent (NOI) to continue their permit coverage. For more information, visit the TCEQ webpage at: <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>

## **EPA Issues New Ozone Standard**

**October 2015 - On October 1, 2015, the EPA revised the primary NAAQS for ozone from an eight-hour standard at 0.075 ppm to an eight-hour standard at 0.070 ppm.**

The EPA also revised the secondary NAAQS for ozone, intended to protect public welfare, to 0.070 ppm (equivalent to the primary standard).

Based on preliminary air monitoring data for 2015, four areas in Texas would not meet the new ozone standard: Dallas-Fort Worth, Houston-Galveston-Brazoria, San Antonio, and El Paso. Recommendations from states on the attainment status of each county within the state with regard to the new standard are scheduled to be due to the EPA by October 1, 2016. States' recommendations will likely be based on the latest complete monitoring data available at that time (2013-2015). Nonattainment designations for the 2015 ozone NAAQS are scheduled to be final by October 1, 2017 and will be based on the latest air monitoring data (2014-2016) available at that time.

# TCEQ Seeks Public Comment on a Proposed Amendment to the De Minimis Facilities or Sources List

**October 2015 - The Texas Commission on Environmental Quality requests public comment on a proposed amendment to the De Minimis Facilities or Sources list.**

The Texas Commission on Environmental Quality requests public comment on a proposed amendment to the *De Minimis Facilities or Sources* list authorized by [30 TAC §116.119](#). The public comment period closes Nov. 2, 2015.

Visit the [website](#) to view the public notice announcement, proposed addition to the *De Minimis Facilities or Sources* list, and the draft *De Minimis Facilities or Sources* list.