

The Advocate

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

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TCEQ Seeks Comment on Potential Area Designations and Boundaries Recommendations Under the 2015 Ozone Standard

March 2016 - The TCEQ's Air Quality Division is soliciting public comment on potential area designations and boundaries recommendations under the 2015 ozone National Ambient Air Quality Standards (NAAQS). The public comment period will open on March 15, 2016 and close on April 15, 2016.

The commission is scheduled to consider staff's recommendation at its Aug. 3, 2016 meeting. If approved by the commission, the recommendations will be submitted to the governor's office for consideration. The governor's recommendation is due to the EPA by Oct. 1, 2016.

- [Potential State Designation Recommendations for Texas Counties](#)

For more information, visit the [State Ozone Designation Recommendation](#) Web page.

TCEQ Seeks Comment on Proposed Changes to Texas Emission Reduction Plan (TERP) Rules and Guidelines

March 2016 - On March 3, 2016, TCEQ commissioners approved publication of proposed rulemaking that revises 30 Texas Administrative Code (TAC) 114, Subchapter K, Division 8 – Drayage Truck Incentive Program (DTIP).

The proposed rule expands the definition of drayage truck to include other cargo-handling equipment and expands the definition of seaport to include publically or privately owned property within a ship channel security district established under Texas Water Code Chapter 68. The proposed revisions will also remove the requirement limiting qualifying drayage trucks to only those with day cabs.

These proposed rule changes are expected to help further reduce emissions in and around seaports and rail yards located in the state's nonattainment areas.

The agency is also accepting comments on proposed revisions to the guidelines for DTIP and the Diesel Emissions Reduction Incentive (DERI) Program, entitled Texas Emissions Reduction Plan: Guidelines for the Drayage Truck Incentive Program (TCEQ publication RG-524) and Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants (TCEQ publication RG-388).

The TCEQ will hold public hearings on the proposed rulemaking and revisions to the guidelines in Austin and Houston on the following dates:

- April 12, 2016, at 10:00 a.m. in Building E, Room 201S, at the TCEQ's central office, 12100 Park 35 Circle, Austin, TX 78757.
- April 14, 2016, at 6:00 p.m. in Conference Room B, at the Houston-Galveston Area Council, 3555 Timmons, Suite 120, Houston, TX 77027.

The comment period closes on April 18, 2016. Copies of the proposed rulemaking and guidelines can be obtained from <www.terpgrants.org>.

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

TCEQ Trade Fair to be Held May 3-4 in Austin

March 2016 - The TCEQ will hold its 2016 Environmental Trade Fair and Conference on May 3-4 at the Austin Convention Center.



More than 100 educational sessions on topics from waste management to wastewater permitting will be offered, accommodating about 4,000 attendees. The TCEQ's Environmental Assistance Division will offer a ten-session track at this year's conference as an "Introduction to Environmental Regulations." This track will include the following sessions:

- Air Permitting Overview
- Stormwater Permitting
- Waste Reduction Policy Act

The Trade Fair is a great opportunity to earn continuing education credits, learn about the latest regulations, and network with TCEQ staff and others in the environmental field.

The Trade Fair exhibit hall features more than 350 exhibitors showcasing the latest environmental information and products.

To register or find additional information, please visit <www.tceq.texas.gov/goto/etfc>.

TCEQ Trade Fair Early Registration Ends March 11

March 2016 - Early registration for the TCEQ's Environmental Trade Fair and Conference ends on March 11. The conference takes place on May 3-4 at the Austin Convention Center.



The Trade Fair is the TCEQ's largest environmental event, hosting about 4,000 people. More than 100 educational sessions on topics from waste management to wastewater permitting will be offered, as well as more than 350 exhibitors showcasing the latest environmental information and products.

To register or find additional information, please visit <www.tceq.texas.gov/goto/etfc>.

Free Workshops for Small Domestic Wastewater Systems About Asset Management

February 2016 - Operators, administrators, and others responsible for small domestic wastewater systems are invited to free workshops about asset management held in San Benito on March 2, 2016, at the San Benito Community Building.

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 workshops.

The workshops 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 a workshop, or for more information about other upcoming workshops, visit the TCEQ's website at <www.tceq.texas.gov/goto/AM-workshop> or call our toll-free hotline at 800-447-2827.

TCEQ Seeking Stakeholder Input for Graywater Rulemaking

February 2016 - House Bill (HB) 1902, 84th Texas Legislature (201), amended Texas Health and Safety Code (THSC), Chapters 341 and 366 and Texas Water Code (TWC) Chapter 26 in relation to the use of graywater.

The bill requires the TCEQ to develop standards to allow the re-use of graywater for toilet and urinal flushing. The bill also creates a new regulatory classification for “alternative onsite water” which is defined as “rainwater, air-conditioning condensate, foundation drain water, storm water, cooling tower blowdown, swimming pool backwash and drain water, reverse osmosis reject water, or any other sources of water considered appropriate by the Commission.” The bill directs the TCEQ to develop similar standards for the re-use of this new source of water similar to graywater.

The TCEQ has drafted language that amends 30 TAC Chapters 210 and 285 to implement HB 1902. The draft rules are available for informal stakeholder review and comment. The TCEQ will not provide a response to the informal comments; however, the comments will be used to finalize the draft rules. The draft rule language can be found at: www.tceq.texas.gov/permitting/wastewater/graywater/. Comments will be accepted through Feb. 29, 2016, and may be submitted by e-mail to: Laurie.Fleet@tceq.texas.gov.

Or by mail to:

Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Attn: Laurie Fleet

TCEQ Commissioner Toby Baker Announces Application Workshops for RESTORE Funds

February 2016 - Workshops to assist in completing the required application to apply for RESTORE Direct Component (Bucket 1) funds through the Request for Grant Applications (RFGA) will be held in three locations during February and March.

A total of four application workshops will be held in Corpus Christi and Houston. Below are the details for those events.

Tuesday, Feb. 23, 2016
2:30 -4:00 p.m. and 6:30- 8:00 pm
TCEQ Regional Office/Corpus Christi
6300 Ocean Drive
Corpus Christi, Texas

Thursday, March 3, 2016
2:30- 4:00 p.m. and 6:30- 8:00 pm
Houston-Galveston Area Council
3555 Timmons
Conference Rooms B & C
Houston, Texas

In addition, Congressman Vela will host a RESTORE Act event on **Thursday, Feb. 18, 2016, from 1:30 to 4:00 pm** that will include the application workshop. That event will be held at the **Hilton Garden Inn, located at 7010 Padre Island** in South Padre Island, Texas.

As a reminder, the total amount available for funding is approximately \$56 million. Applications for RESTORE Direct Component (Bucket 1) grants must be submitted to <http://www.restorethetexascoast.org/> no later than 5:00 pm on Friday, April 15, 2016.

TCEQ Proposes New Rules for Accidental Discharges or Spills at Wastewater Treatment or Collection Systems

January 2016 - On Jan. 20, 2016, TCEQ commissioners approved publication of rulemaking implementing Senate Bill (SB) 912, 84th Legislature, related to volume-based exemptions from reporting requirements for certain accidental discharges or spills from wastewater treatment facilities or collections systems.

The rulemaking includes proposed new Section 305.132, amended section 327.1, and proposed new Section 327.32 of the Texas Administrative Code (TAC).

The proposed rulemaking will allow any single, accidental discharge or spill of treated or untreated domestic wastewater that occurs at a wastewater treatment or collection system owned or operated by a local government to be reported to the TCEQ monthly, as a summary of spills, provided the following conditions are met:

- the spill volume is 1,000 gallons or less;
- it is not associated with another accidental discharge or spill;
- it is controlled or removed before entering water in the state;
- it does not adversely affect a public or private source of drinking water;
- it will not endanger human health or safety or the environment; and
- it is not otherwise subject to local regulatory control and reporting requirements.

Additionally, the proposed rules require the owner or operator of the facility or collection system to use one of three standard methods in the proposed rule when calculating the volume of a discharge or spill. The proposed rules will also implement SB 912 by requiring the TCEQ to consider the compliance history of the individual and to establish procedures for formatting and submission of the monthly summary (including location, volume, and content of each accidental discharge or spill that occurred during the preceding month).

The proposed rules will be published in the Texas Register on Feb. 5, 2016, which opens the public comment period. Comments are due by March 7, 2016. The TCEQ will hold a public hearing on March 1, 2016, in Austin at the TCEQ headquarters located at 12100 Park 25 Circle, Building E, Room 201S, at 2:00 p.m. The anticipated adoption date is May 11, 2016, and the effective date of the rules will be June 2, 2016.

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

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

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

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

TCEQ Proposes Renewal of Water Quality General Permit for Ready Mixed Concrete

January 2016 - The TCEQ is proposing to renew and amend the Ready Mixed Concrete General Permit TXG110000.

This permit authorizes discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready mixed concrete plants, concrete products plants, and their associated facilities. The current general permit expires on Nov. 7, 2016.

The public comment period began on Jan. 22, 2016, and ends on Feb. 22, 2016. Written comments may be mailed to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087, or submitted electronically at www.tceq.texas.gov/about/comments.html. Comments must be received by Feb. 22, 2016.

The draft permit and fact sheet are available for review at:
<http://www.tceq.texas.gov/permitting/wastewater/general/index.html>

Total Coliform Rule (RTCR) Revised by EPA; All Public Water Systems Must Comply by April 1

January 2016 - The EPA updated the 1989 Total Coliform Rule to increase public health protection.

The revised rule establishes a maximum contaminant level for *E. coli* and uses *E. coli* and total coliforms to initiate a “find and fix” approach to prevent fecal contamination from entering the distribution system. The rule requires **all** public water systems (PWSs) to monitor for the presence of total coliforms and *E. coli* in the distribution system.

The rule changes include:

- sample siting plan and repeat sampling and reporting requirements
- *E. coli* maximum contaminant level (MCL)
- assessment requirements and deadlines
- seasonal water system start-up procedures
- treatment technique violations and reporting requirements
- boil water notice and public notice requirements

The Revised Total Coliform Rule also requires PWSs that have an indication of coliform contamination to assess the problem and take corrective action. There are two levels of assessments based on frequency or severity of the problem.

What triggers a Level 1 assessment?

Level 1 assessment is triggered if any one of the following occurs:

- A PWS collecting fewer than 40 samples per month has two or more total coliform positive routine or repeat samples in the same month *or*
- A PWS collecting at least 40 samples per month has greater than 5 percent of the routine or repeat samples in the same month that are total coliform positive *or*
- A PWS fails to take every required repeat sample after any total coliform positive sample

What triggers a Level 2 assessment?

Level 2 assessment is triggered if any one of the following occurs:

- A PWS incurs an *E.coli* MCL violation *or*
- A PWS triggers a second Level 1 Assessment within a rolling 12 month period

Important dates:

- March 31, 2016: deadline to develop sample siting plan and submit to TCEQ
- April 1, 2016: federal rule becomes effective

Timeline

- All PWSs must comply with the federal RTCR requirements April 1, 2016
- TCEQ Rule Proposal Agenda May 11, 2016
- Rule Filed/Published/Secretary of State May 11 – 27, 2016
- Public Comment Period-Start May 27, 2016
- Public Hearing Date July 7, 2016
- Public Comment Period-End July 12, 2016
- Adoption Agenda Oct. 19, 2016
- Rule Effective Nov. 11, 2016

Training is available through:

Texas Rural Water Association

<http://www.trwa.org/?TCEQWorkshop>

- Jan. 21 Killeen
- Jan. 21 New Braunfels
- Feb. 2 Franklin
- Feb. 4 Riverside
- Feb. 9 Aubrey
- Feb. 9 Abilene
- Feb. 11 Terrell
- Feb. 11 Brownwood

Texas American Water Works Association (AWWA)

http://www.tawwa.org/events/event_details.asp?id=748210&group

- Feb. 4 Webcast - AWWA/TCEQ - RTCR Public Water System Training 11 AM – 2 PM (CST)

To obtain sample siting plan templates and additional rule information go to

<https://www.tceq.texas.gov/drinkingwater/microbial/revised-total-coliform-rule>

For additional assistance contact Small Business and Local Government Assistance toll free 800-447-2827 or the Public Drinking Water Program at 512-239-4691 or TCRDATA@tceq.texas.gov or DWA WG@tceq.texas.gov

TCEQ Commissioner Toby Baker announces RESTORE grant applications accepted on Friday

January 2016 - Interested parties with Gulf Coast projects encouraged to apply.

The Texas Commission on Environmental Quality's Commissioner Toby Baker announced today that requests for grant applications will be accepted **beginning Friday, Jan. 15** for more than \$56 million in funding available for environmental, ecological, or economic projects. Baker made the announcement while speaking at the agency's State of the Bay Symposium in Galveston.

Eligible projects in the Gulf Coast region include those that: restore and protect natural habitats, mitigate damage to fish and wildlife, improve state parks in coastal areas, protect against coastal floods, promote tourism and/or consumption of Gulf Coast seafood, and develop the workforce and create jobs in the coastal region.

Applications will be accepted **until 5:00 p.m. CST on April 15, 2016**. Detailed information on eligibility, how to apply, scoring criteria, as well as an opportunity to sign up to receive information and updates, is available on the RESTORE website [www.restorethetexascoast.org]. In addition, the RFGA will be posted on the Electronic State Business Daily website [<http://esbd.cpa.state.tx.us>]. Once an initial list of projects is developed, it will be posted in the *Texas Register* and on the RESTORE site for public comment.

The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act) established the Gulf Coast Ecosystem Restoration Council and the Gulf Coast Restoration Trust Fund and dedicates 80 percent of Clean Water Act penalties resulting from the Deepwater Horizon oil spill to the Trust Fund, for restoration projects in the Gulf Coast region. Baker is Governor Abbott's appointee to the council representing the State of Texas.

Free Workshops for Small Domestic Wastewater Systems About Asset Management

January 2016 - Operators, administrators, and others responsible for small domestic wastewater systems are invited to free workshops about asset management held in:

McKinney on Feb. 10, 2016 at the Roy & Helen Hall Memorial Library,

Hillsboro on Feb. 11, 2016 at the Hillsboro Historic City Hall,

Conroe on Feb. 23, 2016 at the Robinson Road Community Center,

Richmond on Feb. 24, 2016 at the George Memorial 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.

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