

# The Advocate

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

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

June 2016 - On May 25, 2016, TCEQ commissioners adopted waste rules that amend or add to 30 TAC Chapter 335.

These new rules will:

- Incorporate changes set forth in the federal Resource Conservation and Recovery Act (RCRA);
- Establish a new exclusion from regulation as a solid waste for certain steel slag, as set forth in House Bill 2598, 84th Texas Legislature;
- Establish new requirements authorizing the use of an electronic manifest system, once developed;
- Revise the export provisions of the cathode ray tube (CRT) rule for reuse and recycling; and
- Establish new and revise existing hazardous waste recycling requirements under the definition of solid waste.

The adopted rules will be published in the June 10, 2016 issue of the Texas Register, and the effective date is June 16, 2016.

The new rule language can be reviewed online in the Texas Register beginning June 10, 2016, at: <http://www.sos.state.tx.us/texreg/index.shtml>

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

June 2016 - On May 11, 2016, TCEQ commissioners adopted the Volume Based Exemptions for Certain Accidental Discharges implementing Senate Bill (SB) 912, 84th Legislature.

The new rules 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.

The rule requires the owner or operator of the facility or collection system to use standard methods established by the TCEQ when calculating the volume of a discharge or spill. Additionally, the rules created a definition for the history of noncompliance and allow the TCEQ to require more frequent reporting based on that history. The TCEQ is establishing methods for formatting and submission of the monthly summary, which should be available on the TCEQ website in the near future.

The anticipated effective date of the new and amended rules is June 2, 2016. For more information, go to: <http://www.tceq.texas.gov/rules/adopt.html>

# 2016 Dam Safety Workshops

May 2016 - TCEQ staff will be holding three dam safety workshops this summer. The workshops provide practical and straightforward information on issues that affect anyone who owns or operates a dam.

Topics include state dam safety regulations, enforcement, emergency action plans, maintenance issues, recommendations for correction, and more.

Registration is \$75 per person. Register early and pay \$65 per person.

## Workshop Dates & Locations:

- **June 15, 2016 – Luling, TX** (early registration ends May 25, 2016)

Zedler Mill  
1170 S. Laurel Avenue  
Luling, TX 78648

- **June 22, 2016 – Lufkin, TX** (early registration ends June 1, 2016)

Pitser Garrison Convention Center  
601 North Second Street  
Lufkin, TX 75901

- **Aug. 3, 2016 – Denton, TX** (early registration ends June 13, 2016)

University of North Texas – University Union  
1155 Union Circle  
Denton, TX 76201

For more information, including the agenda and registration, please visit the TCEQ website at: <https://www.tceq.texas.gov/p2/events/dam-safety.html>

# TCEQ Adopts Rules to Implement HB 1, Article IX, Section 18.01 – Public Health Service Fee for Public Water Systems

May 2016 - On May 11, 2016, TCEQ commissioners adopted a rule implementing House Bill (HB) 1, Article IX, Section 18.01, 84th Texas Legislature. The legislation directed the agency to raise fee rates by rule to ensure adequate revenue is available to support the agency’s water appropriation.

This rulemaking replaces the fee rates for the Public Health Service (PHS) fee authorized under 30 Texas Administrative Code §290.51, for FY17 as follows:

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

This rule provide the TCEQ the flexibility to gradually increase Public Health Service fees as the water funding needs increase and spread the increase to more regulated entities. The maximum rates were calculated to address the agency water funding needs for multiple years.

## The Public Health Service fee structure for FY 2017

<b>If you have...</b>	<b>Then you will pay...</b>
fewer than 25 connections	\$125
between 25 and 160 connections	\$200
more than 160 connections	\$2.45 for each connection

Until June 27, 2016, the Executive Summary and the final rule, including Preamble and Response to Comments (RTC) will be available on the TCEQ website at: <https://www.tceq.texas.gov/rules/adopt.html>

# TCEQ Adopts Medical Waste Rules

May 2016 - On April 27, 2016, TCEQ commissioners adopted the Medical Waste Rules implementing House Bill 2244, 84th Legislature.

These rules create a new chapter under 30 TAC Chapter 326 for the handling, transportation, storage, and disposal of medical waste by repealing portions of 30 TAC Chapters 330 and amending a portion of 30 TAC Chapter 335. The new rules include requirements for the following:

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

The anticipated effective date of the new rule is May 19, 2016.

For more information, visit the TCEQ website at:

[https://www.tceq.texas.gov/permitting/waste\\_permits/msw\\_permits/mw\\_disposal.html](https://www.tceq.texas.gov/permitting/waste_permits/msw_permits/mw_disposal.html)

# Free Workshops for Small Domestic Wastewater Systems About Asset Management

April 2016 - Operators, administrators, and others responsible for small domestic wastewater systems are invited to attend a free workshop about asset management held in Tyler on May 17, 2016, 1:00 p.m. to 5:00 p.m., at the TCEQ Tyler Regional Office.

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.

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.

**Wastewater 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](http://www.tceq.texas.gov/goto/AM-workshop)> or call our toll-free hotline at 800-447-2827.