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GroundswellTX

August 10, 2020

Mr. Toby Baker
Executive Director
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

Submitted electronically to: IPCOMMNT@tceq.texas.gov

Re: Proposed changes in the permitting and enforcement of rules regarding stormwater discharges from plastics manufacturing and processing facilities

Dear Executive Director Baker:

I am both a concerned citizen and an environmental consultant working on issues affecting the Texas Coast and the quality of state-owned coastal waters and shorelines. The issue of plastic debris and microplastics impacting these valuable public resources has gained much attention lately – none of it good, until the recent news of the settlement agreement between Formosa Plastics Corp., Texas/Formosa Plastics Corp., U.S.A. (“Formosa Plastics”), and the San Antonio Bay Estuarine WaterKeeper/S. Diane Wilson (S.A. Bay Waterkeeper”) regarding the discharge of plastic “nurdles” into waters of the State of Texas (“waters of the State”).

This landmark agreement sends a message to the plastics manufacturing industry that at least one operator, Formosa Plastics, recognizes the impact these discharges have had on the estuarine/marine environment and, very importantly, has agreed to implement a “zero discharge” stormwater program with respect to plastics at its facilities. This sends a strong signal to others that the discharge of plastics/microplastics doesn’t have to be occurring if plastics manufacturing facilities take the proper measures to prevent and control the escape of plastics during the manufacturing process, or, if escape of the materials on site during the manufacturing process is not totally preventable, then ensure capture/containment all plastic material on site and out of any flow path contributing to the facility’s storm water system discharge into waters of the state.

I applaud TCEQ for developing and proposing rule changes to the Industrial Wastewater Permit Application rules (30 TAC Ch. 307) for individual stormwater permits, the Multi-Sector General Permit, and Investigator Guidance, and urge you to act to make sure that the rule amendments:

- clarify that TPDES permits do not authorize any amount of plastic pellets, flakes, fluff and powder to be discharged into receiving waters.
- include all transporters, bulk terminal operator and recycling facilities that handle, transport or dispose of preproduction plastic.
- regulate the discharge of all plastics less than 5 millimeters in size, including pellets, flakes, fluff and powder, regardless of whether they sink or float in water.
- require thorough testing of outfalls and public disclosure of results.

Sincerely,



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