



Comments on Proposed Revisions to the Compliance History Rules October 7, 2011

The Water Environment Association of Texas (WEAT) and the Texas Association of Clean Water Agencies (TACWA) appreciate the opportunity to comment on TCEQ's proposed revisions to the Compliance History rules. WEAT and TACWA members are responsible for the design, operation, and maintenance of publically owned wastewater collection and treatment systems all across Texas.

At the stakeholder meeting on September 22, 2011, agency staff asked for input on TCEQ's proposed grouping of regulated entities for purposes of determining compliance history. WEAT and TACWA have reviewed these groupings and we concur with TCEQ's methodology of grouping by NAICS codes. In particular, we concur with the separate grouping for sewage treatment plants. However, we would note that there are considerable differences in size and complexity of the sites. Sewage treatment facilities can range from very small package plants to large urban or regional wastewater treatment facilities.

Given the differences in size and complexity within the proposed grouping for sewage treatment plants, additional factors must be considered as well when determining compliance history. The statute explicitly directs TCEQ to consider whether a site has a Title V permit. This approach would have applicability to some very large sewage treatment plants as well as other groupings such as petroleum refining, chemical manufacturing and electric power generation. All sites with a Title V permit would be considered as complex. Those sites that are complex should somehow receive consideration in the compliance history formula.

However, there are additional factors related to sewage treatment plants that should be considered. Another possible consideration to address size and complexity would be the number of program areas that are active in the TCEQ Central Registry for a site. Small treatment systems may only have a wastewater permit while other sites have pretreatment programs, NSR authorizations, Title V permits, or petroleum storage tank authorizations in

addition to the wastewater permit. Additional factors to consider could be permitted flow, type and complexity of treatment operations, and/or the presence of satellite facilities for reuse. It is important to note that of the large number of regulated entities statewide that the majority (in terms of numbers) are going to be small, less complex sites. WEAT and TACWA are available to work with the agency to develop a system for assessing size and complexity of sewage treatment plants.

Thank you for the opportunity to comment. If you need any additional information, feel free to contact me at 512-924-2102 or carol@weat.org.

Sincerely,

A handwritten signature in cursive script that reads "Carol Batterton".

Carol Batterton
Executive Director
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