



May 14, 2012

Michael Parrish, MC 205
Office of Legal Services
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Rule Project No. 2011-034-070-CE

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 enforcement policy rules. WEAT and TACWA members are responsible for the design, operation, and maintenance of publically owned wastewater collection and treatment systems all across Texas.

WEAT and TACWA support adoption of this rule package. However, we offer one suggestion for clarification in the proposed rules. In 70.11 (b) (1) "absence of management practices designed to ensure compliance" is listed as a criterion that may be used as the sole basis for determining that an agreed order should be drafted as a findings order. We believe that this term is vague and needs additional definition. Without additional clarification, this criterion may penalize water utilities that are not able to provide adequate management practices due to lack of technical or staff resources.

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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
Water Environment Association of Texas
Texas Association of Clean Water Agencies
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Austin, Texas 78704