

## A Message from the Executive Director

By Carol Batterton, Executive Director



### Legislative Update

Pre-filing of bills for the 81st session of the Texas Legislature began on November 10, 2008. Some of the early filed bills that WEAT is tracking include:

- **HB 323** by Rep. Richard Raymond of Laredo. This bill would require all publicly owned treatment works (POTW) to sample unauthorized discharges by means of a gas chromatograph. The POTW would then be required to notify the TCEQ and the TCEQ may require the POTW to provide a sample of the discharge. Under this bill, the TCEQ is required to provide training to the POTW in maintaining and calibrating the gas chromatograph. A version of this bill was filed in the last legislative session.
- **SB 124** by Sen. Rodney Ellis of Houston. This bill requires any person applying for a new permit or an expansion of an existing facility to file a report with the TCEQ stating whether the facility is to be located in an environmental justice community. If the new or expanded facility is in an environmental justice community, then the applicant must prepare a public participation plan which meets requirements specified in the bill.
- **SB 213** by Sen. Elliott Shapleigh of El Paso. Sen. Shapleigh's bill requires the TCEQ to develop by rule a uniform manifesting system for any person who generates, collects, conveys, transports, or processes municipal "sewage sludge", grit trap waste, or grease trap waste. A version of this bill has also been filed in previous sessions.
- **SB 221** by Sen. Robert Nichols of Jacksonville. This bill requires publicly owned retail utilities to maintain onsite automatically starting auxiliary generators capable of ensuring the operation of the utility's water and wastewater system during an extended power outage. We expect to see additional bills on back-up power filed as a result of experiences from Hurricane Ike.

### Water Quality Standards

TCEQ covered two days of stakeholder meetings on January 6 and 7, 2009, to present their latest proposals for revised surface water quality standards. WEAT has been actively engaged in this revision process and has advocated for changes to the recreational standards and bacteria criteria as well as the implementation procedures for sub-lethal WET limits. TCEQ's proposals include expansion of the recreational standards and bacteria criteria from two categories to four. Proposed new recreational use categories are primary contact, secondary contact 1, secondary contact

2, and noncontact recreation. All classified segments will be designated primary contact; however other categories may be applied based on a use attainability analysis. All existing segments designated as noncontact will remain noncontact.

Primary contact designation is also proposed for unclassified water bodies. However, secondary contact 1 will apply to streams where primary contact recreation is unlikely to occur, where the channel is less than 0.5 meters deep and substantial pools greater than 1.0 meter deep do not occur. Secondary contact 2 and noncontact standards can be applied on a site specific basis after a use attainability analysis.

With respect to nutrient criteria, the USEPA is requiring TCEQ to develop numerical criteria for nutrients. TCEQ has submitted a plan to EPA that calls for development of criteria for reservoirs first, the rivers and estuaries. TCEQ is proposing to establish criteria for chlorophyll a for reservoirs based on historical data. The criteria will be applied as a median long term average for the main body of the reservoir and secondary screening criteria for total phosphorus will also be established.

Jennifer Benaman will be leading WEAT's Watershed Management Committee in review and comment on these proposals. The stakeholder meeting agenda and back up documents can be found at: [http://www.tceq.state.tx.us/permitting/water\\_quality/stakeholders/swqsawg.html](http://www.tceq.state.tx.us/permitting/water_quality/stakeholders/swqsawg.html)

### CALENDAR OF EVENTS

#### 2009

<b>January 9</b>	WEAT Executive Board Meeting, Moody Gardens, Galveston, TX
<b>January 15</b>	Houston/Galveston Section Meeting, Houston, TX
<b>January 20</b>	Austin Section Meeting, Austin, TX
<b>January 21</b>	Longview/Tyler/Texarkana Section Meeting, Kilgore, TX
<b>January 23</b>	217 Implementation Workshop, San Antonio, TX
<b>February 10</b>	NTS Seminar - Sustainability: Making Your Brown... Greener, Dallas, TX
<b>February 13</b>	Legislative Workshop, Austin, TX
<b>March 19</b>	Houston/Galveston Section Meeting, Houston, TX
<b>April 14-17</b>	Texas Water 2009, Galveston, TX
<b>May 21</b>	Houston/Galveston Section Meeting, Houston, TX
<b>August 24&amp;25</b>	CMOM Workshop, Austin Tx
<b>August 27&amp;28</b>	Odor and Corrosion and Biosolids Conference, San Marcos, TX
<b>November 5&amp;6</b>	FROG Workshop, Houston, TX