



WEAT ▪ 1825 Fortview Road Suite 102 ▪ Austin, Texas 78704 ▪ www.weat.org

December 13, 2010

Natalia Henricksen (MC 205)
Office of Legal Services
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Rule Project Number 2010-024-319-OW

Dear Ms. Henricksen:

The Water Environment Association of Texas (WEAT) appreciates the opportunity to provide comments on the proposed changes to 30 TAC Chapters 319.302 and 319.303 regarding public notification of wastewater overflows. WEAT is a non-profit technical and educational organization whose members include scientists, engineers, utility managers, operators, and regulators. Collectively, our members are responsible for the design, operation and maintenance of wastewater collection and treatment and systems all across Texas. We are a state member association of the Water Environment Federation.

We commend the TCEQ for most of the proposed changes to 30 TAC Chapters 319.302 and 319.303 for providing local governments the ability to specifically and more efficiently address the varied circumstances of wastewater spills and discharges and to inform the public of spill situations and appropriate precautions; if necessary, for each situation. However; the change in wording in **Chapter 319.302(b) (1)** introduces complexity and vagueness to the rule and could lead to the public notification of any spill regardless of size or circumstance that occurs near any water of the state. We request that the phrase "commonly used for recreational purposes" be deleted from the proposed rule changes.

The original statute addressed only the public notification of potentially affected public and/or private drinking water supplies. The Fiscal Note section of the summary of the proposed rule changes states that "(t)he proposed rules do not eliminate or add any new notice requirements or

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precautionary actions to protect the general public, but clarify the appropriate precautionary actions that are to be taken.”

The addition of the broad language concerning recreational waters to **Chapter 319.302(b)(1)** introduces further potential for confusion to the regulated community and to the general public and implies a new notice requirement.

The changes in Chapters 319.302 and 319.303 relating to the replacement of the form and the clarification of precautionary language notices for the general public are welcome and will be a benefit to the process. We appreciate TCEQ's efforts at clarifying and bringing about the beneficial changes to the Chapter 319 notifications requirements and hope that these comments will be useful in the development of the final rule.

Thank you for the opportunity to provide comments. If you have any questions or need additional information, please contact me at carol@weat.org or 512-924-2102.

Sincerely,



Carol Batterton
Executive Director