



Water Environment
Association of Texas



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MC 148
TCEQ, Stormwater Team Leader
Wastewater Permitting Section
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Re: Feedback related to the renewal of the TPDES Multi Sector General Permit (MSGP) TXR050000 at <https://www.tceq.texas.gov/permitting/stormwater/industrial>

To whom it may concern,

The Water Environment Association of Texas (WEAT), Texas Association of Clean Water Agencies (TACWA) are organizations of environmental professionals, practitioners, operations specialists, and public officials in the water and wastewater industry working together to benefit society through protection and enhancement of the water environment. As part of WEAT and TACWA's mission a WEAT/TACWA Stormwater/Watershed Protection Committee was formed.

Stormwater/Watershed Protection Committee consists of watershed protection department municipal employees and consultants specializing in stormwater and watershed issues. The members of the Stormwater/Watershed Protection Committee have extensive domain experience and appreciate the opportunity to provide the following feedback regarding the renewal of the TPDES MSGP permit.

The TCEQ is in the process of renewing the TPDES Stormwater Multi-Sector General Permit, TXR050000, which expires on August 14, 2021. The proposed 2021 MSGP and fact sheet are available on TCEQ's website for review and comments as part of the public comment period <https://www.tceq.texas.gov/permitting/stormwater/industrial>

1. Part II.C.3

(d) Posting Proof of Permit Coverage.

The permittee shall post a sign or other notice of permit coverage in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities, at least five days from obtaining permit coverage. The location must be in close proximity to the facility and at potentially impacted public access areas. The permittee shall use a font large enough to be readily viewed from a public right-of-way and conduct periodic maintenance of the sign to ensure that it is legible, viable, and factually correct. At a minimum, the sign must include the facility's:

(1) TPDES authorization number;

(2) Contact name and phone number for obtaining additional facility information including the SWP3; and

(3) The following statement: "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the TCEQ through the following website: <https://www.tceq.texas.gov/>"

The sign or other notice must be posted or maintained at the facility until the facility has terminated permit coverage or the permit has expired, whichever is first.

Request for Clarification: For wastewater treatment plants that discharge into creeks, lakes, rivers, etc., placing this sign “at potentially impacted public access areas” may be difficult under this scenario if it means that the permittee must post along the bank or the water body. Our association respectfully requests clarification on this requirement. In particular, it would be helpful to have clarification with reference to the location of this signage in areas of discharge that do not have public access or cannot be accessed safely.

2. Part III.A.4.c

(c) Plastic Requirements:

Facilities that handle pre-production plastic must develop and include in the SWP3 activities that will be implemented to ensure that areas of the facility that can contribute plastic pollutants to stormwater discharges (e.g. areas around containers holding plastic materials, plastic storage areas, loading docks where plastics are present, and outdoor areas where plastic materials may be present) are maintained in a clean and orderly manner. Good housekeeping measures must include measures to prevent exposure of plastics and other plastic pre-production materials to precipitation or runoff prior to their use in further processing or disposal.

Plastic materials required to be addressed as stormwater pollutants at a minimum include the following: virgin and recycled plastic resin pellets, powders, flakes, powdered additives, regrind, scrap, waste, and recycling material with the potential to discharge or migrate off-site. Facilities that handle pre-production plastic must implement BMPs to eliminate discharges of plastic in stormwater through the implementation of control measures such as the following, where determined feasible (list not exclusive): minimizing spills, cleaning up spills promptly and thoroughly, sweeping thoroughly, and pellet capturing.

Comment: Our association proposes the following edits to provide additional clarity and for consistency with TCEQ’s proposed 2021 Revision to the Procedures to Implement Texas Surface Water Quality Standards concerning the control of plastics. Proposed edits to your permit language are presented in **bold**:

Facilities that handle pre-production plastic must develop and include in the SWP3 activities **and structures** that will be implemented **and constructed** to ensure that areas of the facility that can contribute plastic pollutants to stormwater discharges (e.g. areas around containers holding plastic materials, plastic storage areas, loading docks where plastics are present, and outdoor areas where plastic materials may be present) are maintained in a clean and orderly manner **and that barriers and removal techniques are designed and built to prevent any fallen plastics from entering the stormwater system and being discharged**. Good housekeeping measures must include measures to prevent exposure of plastics and other plastic pre-production materials to precipitation or runoff ~~prior to their use in further processing or disposal~~. **Structures to prevent plastics from entering stormwater include proper closure mechanisms when plastics are loaded, collection containers underneath loading areas for spilled plastics, barriers like curbs to stop rainwater from carrying spilled plastics into stormwater system, and other physical structures to ensure that plastics do not co-mingle with stormwater that will eventually be discharged.**

Plastic materials required to be addressed as stormwater pollutants at a minimum include the following: virgin and recycled plastic resin pellets, powders, flakes, powdered additives, regrind, scrap, waste, and recycling material with the potential to discharge or migrate off-site. Facilities that handle pre-production plastic must implement BMPs to eliminate discharges of plastic in stormwater through the implementation of control measures such as the following, where determined feasible (list not exclusive): minimizing spills, cleaning up spills promptly and thoroughly, sweeping **and vacuuming** thoroughly, and **plastic (including pellet, powders, and flakes)** capturing.

Clarification Requested:

For the part above: "*Facilities that handle pre-production plastic must develop and include in the Stormwater Pollution Prevention Plan (SWP3) activities that will be implemented to ensure that areas of the facility that can contribute plastic pollutants to stormwater discharges are maintained in a clean and orderly manner*", can TCEQ provide clarification on the enforcement of the implementation of BMP's for pre-production plastic facilities?

3. Part V, Sector T, Section 5

Benchmark Requirements in Subsections in Section T – Revising the BOD5 benchmark parameter for BOD5 from 20 to 15 mg/L for Certain Wastewater Treatment Plants.

Comment:

As part of the Texas Pollutant Discharge Elimination System (TPDES) Stormwater General Permit (TXR 050000) renewal process, TCEQ is proposing to change the Sector T benchmark monitoring standard for Biochemical Oxygen Demand (BOD5) from 20 mg/L to 15 mg/L. To date, TCEQ has provided a statistical based rationale for the proposed change; however, a quantitative analysis such as sampling results or stream modeling has not been made available to the public to support the recommended change.

Our association would like to request the commission consider further justifying the requirement based on modeling of the stream to include upstream and downstream sampling near Sector T facilities. In addition, please make sample results available for transparency and support of the recommended change for BOD5 standard.

4. Part V, Sector Y, Section 2

(b) Additional SWP3 Requirements (2) Plastics Manufacturing Requirements:

The operator of a plastic products manufacturing facility shall prevent the possibility of discharging plastic materials, including at a minimum virgin and recycled plastic resin pellets, powders, flakes, powdered additives, regrind, scrap, waste, and recycling material, in stormwater discharges from the facility by implementing control measures (or their equivalents). The control measures must include: minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, capturing pellets, implementing a containment system, designed to trap particles retained, at each on-site storm drain discharge location down gradient of areas containing plastic materials, employee education and training, and using precautions for proper disposal.

Comment: Our association proposes the following edits to provide additional clarity and for consistency with TCEQ's proposed 2021 Revision to the Procedures to Implement Texas Surface Water Quality Standards concerning the control of plastics. Proposed edits to your permit language are presented in **bold**:

Plastics Manufacturing: The operator of a plastic products manufacturing facility shall prevent the possibility of discharging plastic materials, including at a minimum virgin and recycled plastic resin pellets, powders, flakes, powdered additives, regrind, scrap, waste, and recycling material, in stormwater discharges from the facility by implementing control measures (or their equivalents). The control measures must include: minimizing spills, cleaning up of spills promptly and thoroughly, sweeping **and vacuuming** thoroughly, capturing pellets, implementing a containment system, designed to trap particles retained, at each on-site storm drain discharge location down gradient of areas containing plastic materials, employee education and training, **using filters to remove plastics in stormwater, visually inspecting stormwater channels and outfalls, as well as areas outside the facility discharge point for plastics at least once a week and reporting to TCEQ and cleaning up any discharged plastics,** and using precautions for proper disposal. **The operator shall also regularly inspect its treated wastewater to ensure the absence of plastics in the effluent.**

Thank you for the opportunity to provide feedback. Please contact Julie Nahrgang at 210.325.3087, Gian Villarreal at 210.446.6865, or Aiza Jose at 214.9868745 with any questions.

Sincerely,

Aiza Jose



Stormwater/Watershed Protection Committee Co-Chair,

Gian Villarreal
Stormwater/Watershed Protection Committee Co-Chair

Julie Nahrgang


WEAT/TACWA Executive Director

Cc: Rick Hidalgo, WEAT President
Ron Patel, TACWA President

