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TCEQ Comments

A. Public Participation

1. Provide notification of permit applications immediately upon filing via email alert.

2. Make permit applications available electronically on PDF when the administrative review is complete. Make sure all exhibits and appendix are included.

   Currently access to permits is limited to making paper copies at a limited number of sites during business hours.

3. Extend the time period for submitting comments and making a request for a public meeting to 60 days.

   30 days after the technical review is complete is not enough time when copies are only available by photocopying at a local TCEQ office.

4. Use objective criteria and a low threshold for scheduling public meetings.

5. Schedule public meetings before the draft permit is issued, allowing for public comment only after the draft permit is issued makes the project approval seem imminent.

6. All public comment made regarding pending applications received by TCEQ during the public comment / public meeting period should be made available verbatim on the TCEQ website at the earliest legally permissible time after the close of the comment period.

B. Air, Hazardous Waste, City Water Treatment and Waste Water Permits

1. Require all permits to be renewed via full review every 5 years, not the current ten.

2. Require permit holders to submit a plan to meet all new federal and state rules and regulations within 6 months of the final publication of the new rules and regulations.

   Currently permit holders do not have to adhere to changes in permitted levels of pollution etc. until the permit expires.

3. Require that all permits held by a permitted entity be reviewed at the same time. Permits for air, waste water and hazardous should have concurrently renewal dates.

4. Develop regional plans for permit reviews.

A regional plan would summarize data from all permits in existence and their air emissions and waste water discharges along with Clean Air and Clean Water legislative mandates and limits to emissions and discharges.

This will enable the public to understand the impact of a permit application on the community and identify area priorities for lowering pollution.

For example.

When the Las Brisas application was being reviewed, members of the Clean Economy Coalition created a database from reports submitted by those holding air permits listing 28 polluters and 7 categories of air pollution.

The Las Brisas plant would have contributed almost 20,000 tons of pollutants, an increase of 82%.

5. Applications are reviewed in isolation.

   Analyze applications using a regional plan that represents a defined geographic region or body of water. Applications in Nueces County could be analyzed using a data set comprising air or waste water emissions for the Inner Harbor and or Corpus Christi Bay if that is the body of water the effluent would eventually be discharged to.

   Applications for air permits should be required to analyze air quality and emissions with a 5-10 mile radius or what would be the urban or rural airshed.

6. Applicants for waste water permits should be required to identify the source of water coming into the facility, what are the risk to marine life posed by the intake, whether it is treated prior to use, if it is treated prior to discharge, the methods of treatment if any and the impact on the body of water it is discharge into.

   Current permit applications do not address these issues.

7. TCEQ should require applicants to use a single standard method of submitting data for waste water permits.

   For example, some applicants use gallons per day while others use gallon per year.

7. Draft permits should utilize and report the requested emission level and the approved emission level in the same parameter as the applicant submitted.

   For example if the applicant submits a request to discharge 20 gallons of waste water per hour and the permit allows only ten per day, the draft permit would use gallon per hours for both the requested and allowed amounts. The permit should also show what was requested alongside with what is being permitted for easier analysis and scrutiny.

8. TCEQ should require applicants to use a single standard method of submitting data for storm water runoff with enough specifics to be able to measure storm water runoff.

   Most applicants for waste water permits ignore this section and leave it blank. Some insert data but a reader cannot tell what the discharge level is. There should be a standard model for submitting this data.

For example, an applicant can list 1 million gallons a day, intermittently. But how frequently is the question.

A standard model would address variation year to year in average rainfall and use the size surface area as well as contaminants present in that area to submit data.

The reason for this is that each time it rains resident's claim large plumes of waste water discolor Nueces and Corpus Christi Bay.

The problem is that without any data we cannot measure the damage being done.

9. Applicants for waste water permits should develop analyses of the weight of pollutants being discharged in addition to the number of gallons of waste water being discharged.

   For example, an applicant request a permit to discharge 10 gallons of waste water an hour with 3mg/l of lead, the applicant and the draft permit would translate the specific effluent to pounds per gallon and the number of gallons of waste water.

   This would require the applicant to convert milligrams per liter to pounds per gallon, a calculation that requires multiple steps.

   The number of gallons being discharged and the number of pounds per gallon give two very distinct measure of the amount of pollutants being discharged.

10. Applicants should be required to fully complete all required sections of the waste water application.

11. Applicants for waste water permits should not be permitted to amend existing permits to discontinue reporting effluent discharges. This is worksheet # 2 of the application for a waste water permit.

12. All new permit application should be fully completed, including worksheet #2 and the section on storm water discharge.

13. Applicants expanding an electric plant capacity to generate additional megawatts should withstand a full new sources review and not be considered to be repowering the plant.

    The Barney Davis plant permit letter stated that the plant was "repowering". It was but it was also doubling its capacity. The permit process here should have required a full review of the entire plant.

    At BD the intake system draws 500 million gallons a day from Laguna Madre and dumps into OSO Bay. Both bodies of water are compromised; for low dissolved oxygen and high bacterial counts which creates dead zone for 5-6 months each year.

    The plant intake system was not challenged for fish kill or BACT as it should have.

    The existing system consist of grass rakes and screens to prevent marine life and grass from being sucked into the intake where they would be killed or the intake clogged.

14. Require applicants seeking permitted emissions alteration for change in types of material being handled and moisture level should be required to provide the specific material by material change in moisture or other parameter justifying a reduction in emission levels.

C. Air Quality Monitoring

1. Applicant should be required to have independent comprehensive on site monitoring to assure that they are complying with emission limits.

2. Schedule quarterly forums and share the presentation with environmental groups, local industry groups and academia to disclose findings from air monitoring, showcase initiatives and to solicit feedback from the community on area priorities. Issues of compliance and monitoring results for air should receive special attention.

D. Water Quality Monitoring

1. Applicant should be required to have independent comprehensive on site monitoring to assure that they are complying with discharge limits.

2. Monitoring for water quality is fragmented among a number of groups. GLO monitors bacteria in the Bay, CB&E monitors low oxygen, etc. There is no central clearing house or method for sharing and integrating data collection and findings.

3. Strengthen the TMDL program with increased monitoring for a broader range of parameters thought to be present.

4. Expand criteria for TMDL impaired waters to include salinity, water temperature etc., so it is not limited to dissolved oxygen

5. Schedule quarterly forums and share the presentation with environmental groups, local industry groups and academia to disclose findings from water monitoring, showcase initiatives and to solicit feedback from the community on area priorities. Issues of compliance and monitoring results for water should receive special attention.

E. Use of Independent Engineering and or Statistician Consultants

1. TCEQ regulation for restoring and or protecting groundwater values for mining permits, hazardous waste site monitoring and near surface disposal of radioactive waste should use independent engineering consultants and universally accepted methods of statistical analysis to choose the location for baseline monitoring wells.

2. Statisticians should review all Human Health Risk Assessment Work Plans for establishing the Exposure Point Concentration (EPC).

3. Waste water discharge samples should be reviewed by independent labs.

4. Data collected for water or air contaminants should not be adjusted for margin of error as was recently done for radiation in Houston area water supplies, thus reducing the risk indicator.

5. Air and water monitoring equipment should meet EPA standards and be designed to collect data at minimal analytical or detectible levels.