

From: Jordan Fengel <>
Sent: Thursday, August 6, 2020 8:16 AM
To: IPCOMMNT
Subject: Stakeholder Comments - WQ Standards

Good morning,

We wanted to provide input on the following topics regarding the WQ Standards. The State of Texas

Alliance for Recycling (STAR) works with multiple organizations and municipalities throughout Texas that

are involved with or support the recycling industry. We would appreciate our comments to be accepted

as stakeholder input.

Please see our input below regarding the WQ Standards:

1. Please provide input on the following proposed definition of plastic (taking into consideration the

focus on pre-production plastic): Plastic means all forms of visible plastic produced, received, or handled

at the permittee's facility, including but not limited to: pellets, powder, and flakes.

Answer for 1.: Recommend the definitions be expanded to provide a distinction between 'pre' and

'post' consumer plastic.

2. TCEQ's intent is to regulate plastics visible to the naked eye, but please provide input on class sizes

for our review. Additionally, please provide input on the use of the word "visible" in the definition

above.

Answer for 2.: Not all plastics nor plastic residuals are visible to the naked eye and may still cause harm

to the environment, e.g., plastic rain. The recommendation is to require water quality analysis on a

regular basis, monthly, to provide data in determining compliance with wastewater quality standards.

3. In addition to the prohibition, permittees with stormwater outfalls under the Multi-Sector General

Permit or an individual permit will be required to develop a comprehensive set of Best Management

Practices to include within their Stormwater Pollution Prevention Plan. Please provide input to assist

with the identification of effective BMPs and potential sources of information such as “Operation Clean Sweep”.

Answer for 3.: Permittees should be required to provide analytical data to verify there are no plastics

leaving commercial plastic manufacturers, users, or wastewater facilities. Permittees should be tested

by the State on a regular basis to generate such data. Permittees should pay for the costs of sampling,

analysis, and data management. This BMP should be in State regulation, tailored similar to public

drinking water sampling and analysis, with enforcement and fines established for violators.

4. Please provide input on additional requirements such as: outfall and receiving water inspections,

notification of spills and unauthorized discharges to Regional Office, recovery of released materials from

receiving waters, and clarification that the point of compliance for the prohibition on the discharge of

plastic is at the final outfall.

Answer for 4.: These additional requirements should be set at a standard that is most restrictive, zero

levels of plastic. Outfall and receiving water inspections should occur annually, require boring samples

when results of the analysis indicate levels above MCL, at the cost of the violator, and conducted under

the purview of the State regulatory agency. Unauthorized discharges should be made immediately upon

discovery and no later than 72 hours after the occurrence. Regional notification should be followed

within 14 working days by submittal of a plan to remediate the release. The plan for recovery of any

released materials should include a field study identifying the extent of the release, clean-up methods,

and plans, projected timeline for completion, entity/entities hired to enact the plan. The plan should be

submitted within 30 days following notice of receipt of the aforementioned Regional notice. Regional

Office should have review and approval authority for such plans. A follow-up plan should be submitted

after completion of the clean-up and should include images of the cleaned-up site, results of the analysis

for plastics, and a statement of completion. Such plans should be developed and executed under the

signature of a Professional Engineer. The point of compliance for the prohibition of the discharge of

plastic should be at the final outfall. Clean-up should include the full extent of the contamination.

5. TCEQ is requesting stakeholder input regarding additional time to comply with the prohibition on

the discharge of plastic. The Texas Surface Water Quality Standards allow up to a three-year compliance

period. TCEQ is proposing that requests for a compliance period must justify the need for additional

time including a construction schedule to install new control structures or retrofitting existing systems

to achieve compliance. If approved, the compliance period will include the submission of quarterly

progress reports.

Answer for 5.: TCEQ should enact the prohibition immediately, requiring any TSWQ permit holder

requiring additional time to submit a request for additional with justification for the need. This request

should be required to be sent within 6 months of enacting the prohibition. Quarterly progress reports

should be mandatory throughout the term of the permit. The TCEQ should enact updates to the TSWQS's as soon as possible to help regulate this issue. Poor manufacturing practices place plastics

under a much darker light than need be. Pre-consumer plastics should not ever be found in the environment. TCEQ should enforce with maximum fines any violations of the TSWQS's for plastic.

Please let me know if you have any questions, and thank you for your time and consideration.

Best regards,

Jordan Fengel
Executive Director

State of Texas Alliance for Recycling (STAR)

Office | 512.828.6409

Cell | 254.721.0652