

Water Quality Updates from the Texas Commission on Environmental Quality

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Texas Clean Rivers Program



Updates

1. Proposed rule change to increase water-related fees assessed by TCEQ
2. Texas Surface Water Quality Standards
3. TCEQ's 2010 Water Quality Assessment



Water Resource Management Account 153

In 2001, the 77th Legislature passed House Bill 2912, which provided that revenues deposited to Account 153 would be available to the Legislature and TCEQ to support activities associated with ensuring the protection of the state's water resources.

At the same time, the Clean Rivers Act was revised to remove the dedicated fees from the program and instead fund the Clean Rivers Program from Account 153. Additional corrections to meet the intent of those changes are in SB1846 and HB3550 this session.



Water Resource Management Account 153 is the primary source of state funding for:



Changes to TCEQ Water Program Funding

- General Revenue appropriations from the Legislature to the TCEQ have declined in recent years
- Fund 153 has been used to make up the shortfall
- TCEQ water program budgets have remained static



Insufficient Funds

The current revenue estimates for Account 153 reveal that there are insufficient funds for the agency to cover the costs of its water program activities in Fiscal Year 2010-2011.



Fee Increases to Support Water Programs

- Public health services fee (PHS)
- Water use assessment fee (WUF)
- Consolidated water quality fee (CWQ)



Proposed Rule Change

These fees were chosen for increases because they represent some of the most broad-based water-related fees the TCEQ assesses, and their total revenue stream is significant. In addition, revision of these three fees does not require statutory changes.

In order to increase fees, and ensure that there are sufficient funds in fiscal year 2010 to carry out the tasks required to protect water resources in Texas, Chapter 21, Water Quality Fees, and Chapter 290, Public Drinking Water, are being amended.



Rule Proposal and Comments

- Agenda Meeting to Consider Proposed Rule: Feb. 25, 2009
- Public Comment Period: March 13 through April 13, 2009
- Public hearing in Austin on April 7, 2009, at 10:00 a.m. at the TCEQ, 12100 Park 35 Circle, Building E, Room 201S
- Proposed fee increases will be effective August 13, 2009



Legislative Considerations to Fee Structure

- If either of the following two requests are granted by the Texas Legislature in June 2009, the fee assessment will be affected:
 - Change fee cap from \$75,000 to \$200,000 (SB 2316 and HB 1433)
 - General revenue appropriations request for \$28.9 million for next biennium



Additional Information on Fees

www.tceq.state.tx.us/agency/waterfees.html

Contact information for making official comments:

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Office of Legal Services
Texas Commission on Environmental Quality
PO Box 13087
Austin, Texas 78711-3087



Texas Surface Water Quality Standards Update

TCEQ is currently completing proposed revisions to the Surface Water Quality Standards. Major proposed revisions include:

- updating toxic criteria to protect human health
- adding numerical nutrient criteria for 100 large reservoirs
- revising standards for aquatic recreation
- adding and revising site-specific standards for individual water bodies



Texas Surface Water Quality Standards - Steps

- January 2009 - Water Quality Standards Workgroup Meeting
- Comments received on proposed standards
- March 2009 - Currently reviewing and addressing comments
- Proposed standards at TCEQ Agenda – begin 45 day public comment period
- Public Hearing
- Proposed standards go to TCEQ Agenda for adoption
- Once adopted by TCEQ, send to EPA for review and approval



2010 Water Quality Assessment

- A statewide water quality assessment is conducted every two years by TCEQ and is called the:
 - 2010 Texas Water Quality Inventory and 303(d) List
- Data for the assessment is collected by:
 - Clean Rivers Program partners
 - TCEQ Region Office Staff
 - Other data providers that meet TCEQ quality assurance protocols.
- Period of record for the assessment is:
 - December 1, 2001 through November 30, 2008



2010 Water Quality Assessment

- **Topics for the Assessment Guidance Advisory Workgroup include:**
 - **Metals in Water** – evaluating methods and potential inconsistencies in East Texas
 - **Public Water Supply** – finished drinking water will no longer be assessed since there are other means by which public drinking water is evaluated
 - **Biological Assessments** – discussion on when and how fish and/or benthic macroinvertebrates are used to determine the support of aquatic life.



2010 Water Quality Assessment

- **Additional Topics for the Assessment Advisory Workgroup:**
 - **Beach Watch Bacteria Assessment** - the information developed by the Texas Beach Watch Program may be used to identify beaches with persistent advisories
 - **Statistical Methods** - there are no proposed changes to the current binomial method



2010 Water Quality Assessment - Timeline

- **June 2009 - Assessment Guidance Advisory Workgroup is planned**
- **Summer 2009 – begin assessment of water quality**
- **Fall 2009 - Public comment period is planned**
- **April 1, 2010 - Final approved 2010 Texas Water Quality Inventory and 303 (d) List due to EPA**



Questions/Comments?

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Thank you!

For more information on the Assessment and/or Standards go to www.texascleanrivers.org and click on the links on the right side-bar.

