

EXHIBIT A

The City of Corpus Christi believes the public health and welfare of the community is of paramount importance. However, the City respectfully disagrees with some of the proposed amendments to the existing state rules in 30 Texas Administrative Code Chapter 290 related to the Revised Total Coliform Rule (RTCR). The Proposed rule amendments, along with comments regarding why our Public Water System (PWS) holds concern and what alternative might be suggested, are attached.

Multiple proposed rule amendments give complete authority to the Executive Director of TCEQ to require the public water system to issue Boil Water Notices (BWNs). This includes circumstances such as failing to provide compliance information on time, failing to provide monthly reports on time, a single disinfectant residual below state guidelines, sample results not reported on time by a state contracted laboratory, or any other condition the Executive Director feels warrants a BWN.

Boil water notices are necessary when public health is threatened by contamination of the water system. However, there must be predictability in the rules and requirements governed by the TCEQ for our PWS to be able to have appropriate mitigation responses. This will allow the consumer confidence to be maintained. If the proposed changes by TCEQ in the table attached are implemented, the public will lose faith in the water quality being provided when BWNs are issued unnecessarily. BWNs must not be issued when the drinking water in the PWS is safe for consumption based on scientific data.

Additionally, in 2016 TCEQ approved a significant increase in the per connection fee for large water systems, which will cost the City of Corpus Christi an additional \$229,418.50 annually. The City currently pays in aggregate in excess of \$40 million per year to TCEQ for all relevant fees. The new Chapter 290 rules proposed by TCEQ contemplates additional fee increases to be borne by public water systems, including municipalities, to the tune of another \$2,709,308 for 14 FTEs over the next biennium to administer the Revised Total Coliform Rules (RTCR), according to TCEQ's Legislative Appropriations Request Exceptional Items.

These fee increases are an unwarranted burden on municipalities and public water system because the Texas Legislature has historically failed to adequately fund TCEQ's basic service, equipment and personnel needs. The shifting of the financial burden to fund TCEQ operations from the State to local level significantly inhibits a municipality or public water system from investing in infrastructure and operational improvements to deliver reliable, clean water supplies to its customers.

According to the Fiscal Note: Costs to State and Local Government (page 50) in the Chapter 290 proposed rule amendments, "the additional activities may also require local governmental entities who own public water systems to hire consultants to develop: 1) Sample Siting Plan revisions; 2) Level 1 or Level 2 assessments; 3) corrective actions; or 4) seasonal start-up procedures. Costs associated with Level 1 and Level 2 assessments could be significant for activities concerning maintenance, treatment, and distribution system infrastructure improvements." Simply put, the proposed fees outlined above may not be all encompassing of the costs associated with the approval of the proposed rule changes.

While the City of Corpus Christ agrees that public health and welfare is of the utmost importance, the acceptance of these rule changes along with the increase of fees paid to TCEQ may in fact cause unnecessary public distress.

No.	Rule being Changed	Proposed TCEQ Rule Change	Issue	Proposed Modification
1	§290.46(q)(1) p. 166 Also see 5 below	Boil Water Notice and Rescind Notices must be provided to the Executive Director within 24 hours or no later than the next business day after issuance by the public water system and shall be accompanied with a signed Certificate of Delivery.	24 hours may be difficult to comply with. Would have to immediately get documentation compiled, reviewed and to mail carrier and overnight service may still be too late.	Notification to Executive Director by email within 24 hours and documents with COD provided to ED within 3 business days.
2	§290.46(q)(5) p. 169	Actions may be required by the executive director. Special precautions, protective measures, and boil water notices may be required at the discretion of the executive director...	What are “special precautions” and “protective measures” and what circumstances would each be used in?	Clarification of what a special precaution and a protective measure is, and the circumstances that each may be used.
3	§290.46(q)(5)(A)i p. 169 (Tier 3 Notification on p. 562)	Circumstances warranting the exercise of such discretion (§290.46(q)(5)) may include... the public water system has failed to provide required compliance information to the executive director.	Boil Water Notices when public health is not at risk leads to unnecessary costs on local residents, businesses, and the water system. Also causes undue concern by residents regarding safety of drinking water.	Public Notification at a Tier 3 level, which is noted to be used when a public water system fails to perform monitoring required. Requires annual notification for a 7-day period
4	§290.46(q)(5)(A)(iii) p.170	Circumstances warranting the exercise of such discretion (§290.46(q)(5)) may include...the public water system has failed to maintain adequate disinfectant residuals.	A single failure to maintain disinfectant residual should not constitute a BWN. Multiple issues (construction, valve errors, instrument malfunction, human error, disinfectant change during conversions, etc.) can cause a single residual reading to fall below minimum requirements according to TCEQ standards.	Adopt a 5% rule, such as exists with Total Coliform positive samples requiring actions like public notification or BWN if 5% of residuals are below minimum TCEQ requirements. Alternatively, adopt EPA requirements of detectable total chlorine residual, rather than 0.5 mg/L required by TCEQ.
5	§290.46(q)(5)(B) p. 170	...public water system shall implement special precautions, protective measures, or issue boil water notices to customers within 24 hours or within the time period specified by the executive director.	Gives authority to issue immediate Boil Water Notice at discretion of TCEQ.	Violations of each degree should have a standard time allotment for issuing BWN. Impacts the ability of the PWS to locate the potential problem and fix it. Also impacts ability to properly prepare for a city-wide BWN.
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6	§290.46(q)(6) p. 171	Required actions prior to rescinding a boil water notice. The executive director may provide written notification to the public water system once the public water system has provided the required compliance documentation to the executive director. A boil water notice issued shall remain in effect until the public water system has provided required compliance documentation to the executive director which establishes that the public water system has met the following:	Executive director may provide notification once BWN can be rescinded, but is not required. How would a system be able to ensure our requirements have been met to the standard of the executive director when these items are “at the discretion of executive director”?	The executive director shall provide written notification to the public water system once required compliance documentation submitted has satisfactorily met the requirements to rescind BWN.
7	§290.46(q)(6)(E) p. 172	Water samples for microbiological analysis, marked as “special” on laboratory submission form, were collected from representative locations throughout the distribution system or in the affected area(s) of the distribution system within 24 hours or no later than next business day...and the water samples collected for microbiological analysis are found negative for coliform organisms.	<ol style="list-style-type: none"> 1) This seems to imply that special samples are required for rescinding a BWN, even in relation to compliance reporting violations. 2) Affected area OR representative locations – who decides this? 	Clarify if this requirement is only for BWNs associated with microbial and disinfectant level related events. Also clarify who determines the sample locations or if the TCEQ will specify this during the BWN.
8	§290.106(e) p. 244 §290.107(e) p. 267 §290.108(e) p. 276 §290.115(e) p. 436	Inorganic Contaminants, Organics, Radionuclides, and TTHM and HAA5 Copies of test results must be submitted within the first ten days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subsection, whichever occurs first.	Sampling for these analytes is scheduled by TCEQ and completed by a State Contractor. The State Contractor then submits the samples taken to the Texas Department of State Health Services to analyze. Sample results not received within ten days of the monitoring period may not be within our control.	Should require stipulation that a violation of this requirement only falls on the municipality if the State Contractor and contracted laboratory have met the sampling, analysis, and reporting deadlines within enough time for the municipality to comply with this rule.