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****To:**** Texas Commission on
Environmental Quality

****From:**** Texas Water Infrastructure Network

****Date:**** July 26, 2026

****Re:**** Comments on Proposed Improvements to TCEQ Rules — Construction, Design,
and Permit-Issuance Impacts

The Texas Water Infrastructure Network appreciates the opportunity to provide comments regarding the Texas Regulatory Efficiency Office / TCEQ Texas Regulatory Impact Matrix identifying proposed improvements to TCEQ rules. TXWIN supports efforts to modernize, clarify, and streamline TCEQ rules, particularly where those efforts reduce unnecessary administrative delay, improve regulatory certainty, recognize current engineering practice, and support timely delivery of critical water and wastewater infrastructure.

TXWIN's members are directly involved in the construction of public water, wastewater, flood-control, reuse, and related infrastructure across Texas. As a result, even procedural or technical rule changes can affect project design, permitting, bid readiness, construction sequencing, and overall project delivery. TXWIN generally supports the proposed direction reflected in the TRIM

matrix, but respectfully requests that TCEQ ensure any final rule amendments include clear transition language and avoid creating new uncertainty for projects already in design, procurement, permitting, or construction.

****I. General Comments Regarding Construction and Design-Related Permitting****

Several proposed rule changes appear intended to modernize permitting, reduce paper-based requirements, clarify permit classifications, and allow greater reliance on electronic submissions and current engineering standards. TXWIN supports those goals. However, because many water and wastewater projects are designed, permitted, bid, and constructed over multi-year timelines, changes to permitting requirements can create uncertainty if they are implemented without clear applicability dates.

TXWIN respectfully recommends that TCEQ include express transition provisions stating that applications, plans, specifications, engineering reports, permit amendments, notices, and related submittals filed before the effective date of any final rule may continue to be reviewed under the rules in effect at the time of filing, unless the applicant elects to proceed under the updated rule. This will help avoid delay or redesign for projects already in the pipeline.

TXWIN further recommends that TCEQ direct all regional offices and program areas to apply any new electronic submittal, digital notification, design-review, or permit-amendment provisions consistently. Uniform implementation will be essential to realizing the intended efficiencies.

****II. Public Drinking Water Rules — 30 TAC Chapter 290****

TXWIN supports TCEQ's consideration of changes to 30 TAC § 290.42 relating to water treatment requirements. The matrix identifies existing provisions that may be overly prescriptive, including filter media specifications in § 290.42(d)(11)(C) and the requirement in § 290.42(d)(16) that each surface water treatment plant have a "computer and software" for recording performance data. TXWIN supports replacing outdated technology-specific language with performance-based standards and references to current AWWA standards where appropriate.

Modern water treatment facilities increasingly rely on advanced controls, cloud-based systems, tablets, integrated SCADA systems, and other electronic platforms. The rules should focus on performance, data quality, reliability, and public health protection rather than mandating a specific form of technology. TXWIN recommends that any amendments to § 290.42 expressly allow equivalent or superior treatment technologies, provided they are supported by professional engineering judgment and accepted industry standards.

TXWIN also supports proposed improvements to 30 TAC § 290.45, Minimum Water System Capacity Requirements. The matrix identifies several opportunities to modernize § 290.45, including consolidation of capacity requirements into a clearer tabular format, electronic submission of 36-month data, hydraulic analyses, professional engineer certifications, digital pressure monitoring, electronic records, and improved tracking of the 90-day alternative capacity approval process under § 290.45(g)(4)(A). TXWIN supports these changes and recommends that TCEQ preserve the existing value of professionally sealed engineering analysis in supporting alternative capacity determinations.

TXWIN further recommends that any online tracking system for § 290.45 alternative capacity approvals clearly identify the date an application is administratively complete, the date the 90-day review clock begins, any tolling events, and the date of acceptance or denial. This will provide certainty to public water systems, engineers, contractors, and funding agencies relying on timely approval before bid or construction.

TXWIN also supports modernization of 30 TAC § 290.46 relating to minimum acceptable operating practices. The proposed movement toward electronic submission and simplified record retention should reduce administrative burdens on public water systems without reducing compliance. TXWIN recommends that electronic submittal options be implemented in a manner that is accessible to

small and rural systems while still providing a clear default pathway for digital filing.

****III. On-Site Sewage Facility Rules — 30 TAC Chapter 285****

The TRIM matrix identifies numerous proposed changes to 30 TAC Chapter 285 relating to on-site sewage facilities. These include proposed changes to § 285.3 regarding general requirements and permitting review, § 285.30 regarding site evaluation excavation requirements and modern soil and groundwater analysis, § 285.31 regarding design requirements for OSSFs in floodplains, § 285.32 regarding modern design standards for collection and treatment systems and designer qualifications, § 285.33 regarding design and installation of effluent disposal systems, § 285.34 regarding advanced systems requiring design by a professional engineer, § 285.35 regarding lift stations, pump tanks, holding tanks, equalization tanks, and nutrient management, and § 285.5 regarding submittal requirements for planning materials.

TXWIN supports modernization and clarification of Chapter 285. However, these provisions can directly affect construction-related permitting, design standards, local permitting review, and project scheduling. TXWIN recommends that TCEQ ensure any final amendments clearly distinguish between clarifying edits and substantive new design requirements. Where new standards are adopted, TCEQ should include effective-date and transition provisions so projects

already designed, submitted, or approved are not forced into redesign absent a clear health or safety concern.

TXWIN also recommends that TCEQ preserve flexibility for professional engineering judgment, particularly for advanced systems, nonstandard site conditions, floodplain considerations, and innovative treatment or disposal technologies. Where the rules reference designer qualifications, planning materials, or professional engineer involvement, those provisions should be clear, objective, and consistently applied by local permitting authorities.

With respect to §§ 285.40 and 285.41, the matrix indicates that TCEQ may require information consistent with the Edwards Aquifer Recharge Program under 30 TAC Chapter 213 and consolidate OSSF Edwards Aquifer requirements into a new § 285.45. TXWIN supports improved coordination between Chapters 285 and 213 but recommends that TCEQ avoid duplicative submittals. Applicants should not be required to submit the same information in multiple formats to different program areas when a single coordinated submittal would satisfy the regulatory purpose.

****IV. Edwards Aquifer Protection Rules — 30 TAC Chapter 213****

TXWIN supports proposed modernization of 30 TAC § 213.5, Required Edwards Aquifer Protection Plans, Notification, and Exemptions. The matrix identifies several practical updates, including replacement of outdated sewer-line inspection technology references, acceptance of digital location data such as GPS coordinates, and modernization of the 48-hour written notification requirement to allow electronic notification through an online portal.

These changes should improve efficiency for utility, sewer, and other construction activities within the Edwards Aquifer jurisdiction. TXWIN recommends that final rule language expressly authorize electronic notification and digital confirmation of receipt. For construction planning purposes, it is important that owners, engineers, and contractors be able to document when notice was submitted, when it was received, and whether the project may proceed.

TXWIN further recommends that TCEQ ensure digital location data, GPS coordinates, GIS files, and comparable modern mapping formats are accepted in lieu of traditional paper road maps and narrative mileage descriptions where they provide equal or better location accuracy. This will reduce administrative burden and improve field inspection accuracy.

****V. General Permits for Waste Discharges and Reclaimed Water — 30 TAC Chapters 205 and 210****

TXWIN supports the proposed streamlining of 30 TAC Chapter 205, including §§ 205.2, 205.3, and 205.5, where the matrix recommends replacing duplicative language with appropriate statutory citations and reducing unnecessary rule text. General permit provisions can affect construction-phase planning, temporary discharges, facility modifications, and related project sequencing. Any streamlining should preserve clear guidance regarding when coverage is required, how notice is provided, and when authorization becomes effective.

TXWIN also supports proposed changes to 30 TAC Chapter 210 relating to reclaimed water. The matrix identifies proposed amendments to § 210.53(a), § 210.55, and § 210.56 that could expand or simplify the use of industrial reclaimed water and reduce the need for separate authorization or permit amendment in certain circumstances. TXWIN supports these changes where they allow appropriate reuse, reduce unnecessary disposal, and avoid duplicative permit actions.

TXWIN recommends that TCEQ clarify in final rule language when use of reclaimed water may proceed under an existing TPDES permit, when a separate Chapter 210 authorization is required, and when a permit amendment is necessary. Clear distinctions will help owners and engineers plan projects without unnecessary uncertainty.

****VI. Consolidated Permits and Permit Amendments — 30 TAC Chapter 305****

TXWIN strongly supports proposed clarification of 30 TAC § 305.62 regarding major and minor permit amendments. The matrix notes that current wording is not always clear to TCEQ staff or regulated entities, leading to time spent determining the appropriate permit action, preparing and reviewing potentially unnecessary application materials, and paying incorrect fees.

This is an important construction-delivery issue. Uncertainty regarding whether a project change requires a major amendment, minor amendment, or administrative action can delay design completion, bidding, procurement, and construction.

TXWIN recommends that TCEQ provide clear, objective criteria for distinguishing major and minor amendments, including examples relevant to water and wastewater treatment plant upgrades, capacity improvements, replacement of equipment, process modifications, reuse components, and ancillary construction activities.

TXWIN further recommends that TCEQ consider creating an expedited written determination process allowing an applicant to request confirmation of the appropriate permit-amendment pathway. A clear determination mechanism would reduce delay and avoid inconsistent interpretations across program areas or

regional offices.

TXWIN also supports the concept of allowing an existing TPDES or TLAP permit holder to manage allowable non-stormwater wastestreams identified under TCEQ's Multi-Sector General Permit without requiring a permit amendment where doing so does not violate existing permit limits or materially alter authorized operations. Any final rule should clearly define the conditions under which this flexibility applies.

****VII. General Regulations Incorporated into Permits — 30 TAC Chapter 319****

The matrix identifies several Chapter 319 provisions proposed for repeal or cleanup, including §§ 319.21, 319.22, 319.23, 319.24, 319.27, 319.28, and 319.29. TXWIN supports removal of obsolete or duplicative provisions where the applicable requirements are already located in other TCEQ rules or federal requirements.

However, where provisions are repealed because they are duplicative, TXWIN recommends that TCEQ clearly identify the surviving rule provision or program guidance that will control. This is especially important for groundwater protection, waste discharge amendments, and permit limitations. Regulated

entities and project teams should not have to infer where a requirement has moved or whether a substantive requirement has been eliminated.

TXWIN recommends that TCEQ include a cross-reference table in the rule preamble or adoption package identifying each repealed Chapter 319 provision and the corresponding rule, permit provision, or guidance document that will govern after repeal.

****VIII. Water Rights and Related Project Approvals — 30 TAC Chapters 295, 297, and 303****

TXWIN supports proposed modernization of water-rights application and notice provisions, including 30 TAC § 295.2 regarding electronic application submittals, § 295.5 regarding multi-use permits, § 295.7 regarding location of diversion points, reservoirs, and dams, § 295.8 regarding return and surplus water, and § 295.161(c) regarding notice for bed-and-banks applications.

Although these provisions are not construction permits in the narrow sense, they can be gating approvals for major water-supply infrastructure. TXWIN supports the use of GIS, digital mapping, electronic submittals, and more flexible descriptions of diversion reaches where consistent with statute and

public transparency. These changes should improve project planning and reduce unnecessary administrative delays.

TXWIN also supports proposed clarification of 30 TAC § 297.1(26) regarding instream uses and non-consumptive uses, and modernization of 30 TAC Chapter 303, Subchapter I, relating to Rio Grande bed-and-banks permits for water in transit. To the extent these changes affect water-supply projects, produced water conveyance, reuse, or regional supply development, TXWIN recommends that TCEQ maintain clear notice, review, and approval procedures that allow applicants to understand the permitting path before committing substantial design and preconstruction resources.

****IX. Recommended Safeguards for Final Rulemaking****

TXWIN respectfully recommends that TCEQ include the following safeguards in any final rule package affecting construction-related permits, engineering submittals, or design approvals:

1. Clear transition provisions for projects already in design, permitting, procurement, or construction.

2. Express recognition that applications submitted before the effective date may continue under prior rules unless the applicant elects to proceed under the new rule.

3. Consistent acceptance of electronic submittals, digital signatures, digital records, GPS coordinates, GIS data, and online notifications across all applicable TCEQ programs and regional offices.

4. Clear identification of when a proposed change requires a major amendment, minor amendment, administrative update, separate authorization, or no permit amendment.

5. Continued reliance on professional engineering judgment, sealed engineering analysis, and accepted industry standards where appropriate.

6. Avoidance of duplicative submittal requirements between overlapping chapters, including Chapters 213, 285, 290, 305, and 319.

7. Publication of guidance, checklists, examples, or crosswalks before implementation so owners, engineers, contractors, and local permitting authorities can prepare for the new requirements.

8. Confirmation that streamlining amendments are not intended to reopen or delay previously approved permits, plans, specifications, or authorizations absent a specific public health, safety, or environmental concern.

****X. Conclusion****

TXWIN supports TCEQ's effort to improve regulatory efficiency, modernize outdated provisions, and reduce unnecessary administrative burden. Many of the proposed changes identified in the TRIM matrix appear constructive and could improve delivery of critical water and wastewater infrastructure. At the same time, because these rules can affect design, permitting, construction readiness, and project schedules, TXWIN respectfully urges TCEQ to adopt final language that is clear, prospective, consistent across programs, and protective of projects already moving through the development pipeline.

TXWIN appreciates TCEQ's consideration of these comments and would welcome the

opportunity to provide additional input as specific rule text is developed.