



August 10, 2020

To: TCEQ, Water Quality Standards Division via email  
[IPCOMMNT@tceq.texas.gov](mailto:IPCOMMNT@tceq.texas.gov)

Re: Proposed prohibition of plastics in discharge permits

The Lone Star Chapter of the Sierra Club is pleased to submit these brief comments as part of the implementation of proposed changes to the 2021 Water Quality Standards, and specifically related to the proposal to ban certain kinds of plastics in discharge permits. We understand this specific proposal is focused on plastic resin pellets generated at organic chemical manufacturing facilities or packaged and transported to processors for molding into plastic products, and not on post-consumer products. In general, we are supportive of TCEQ's proposal to regulate the discharge of plastic and establish a threshold of zero discharge from facilities that make or process preproduction plastics. We do believe that TCEQ should strengthen the enforcement measures, monitoring provisions, reporting requirements, and operations and maintenance procedures in addition to what is proposed by TCEQ to assure that plastic resin pellets do not make their way into Texas's streams, reservoirs, bays and estuaries. We also would suggest that current holders of discharge permits that will be required under this proposal to update their discharge permit to incorporate the no-discharge and related provisions be given no more than one year to comply with the provisions.

Plastic pellets and related products are damaging to aquatic species and other wildlife, impact the enjoyment by humans of recreational areas, as well as economic activity such as fish, shrimp and oyster fishing, and impact the ecosystem and water quality of streams, reservoirs and Texas bays and estuaries. Ultimately, they may also damage human health through the bioaccumulation of plastics in fish and other species.

Thus, the Sierra Club is supportive of the proposal to specifically incorporate a no discharge standard into the Industrial Wastewater Permit Application (TCEQ-10055); as well as into 30 TAC Chapter 307, and in existing individual permits and the multi-sector general permit. We are also supportive of adding provisions requiring BMPs. While

having an explicit no-discharge into receiving waters standard is appropriate, without BMPs that prevent stormwater runoff and proper management of plastics, the prohibition by itself will not accomplish the goal of preventing plastics in our waterways.

TCEQ asks stakeholders to comment on a proposed definition of the plastics that would be covered under the prohibition and BMPs. Specifically TCEQ suggests: “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. “

We would suggest that the specific types of plastics be included in the definition, such as:

“Plastic means all forms of visible plastic, including microplastic, plastic materials and preproduction plastics, produced, received, or handled at the permittee’s facility, including but not limited to: pellets such as polypropylene, PVC and HDPE, resins, powder and flakes.”

We believe while the proposal would still only apply to visible plastic, it would be a more expansive definition of plastic to specifically include resins, and microplastics.

The proposal includes the required use of BMPs for those producing, using or processing plastics at their facility. We are supportive of this proposal to require operators to develop a comprehensive set of Best Management Practices to include within their Stormwater Pollution Prevention Plan. While we do not think TCEQ should limit the type of BMPs submitted by industrial operators, we would suggest TCEQ establish some minimum standards. Thus, TCEQ should require operations and measures to prevent exposure of plastics and other plastic pre-production materials to precipitation or runoff prior to their use in further processing or disposal. Facilities that handle pre-production plastic should implement BMPs to eliminate discharges of plastic in stormwater through the implementation of control measures such as minimizing spills, cleaning up spills promptly and thoroughly, sweeping thoroughly, and pellet capturing. TCEQ should also require frequent visual inspections of loading and unloading areas or other areas where weather conditions such as high winds or rainfall could lead to spills. TCEQ should also require that any such spills or clean-up be reported.

Enforcement is also key. Devoting staff resources to inspections and enforcement if violations are founded would go a long way to avoiding future problems. The well-documented problems with the Formosa Plastics Point Comfort Petrochemical Complex has been a serious issue with illegal plastic pellet discharges. With better inspections and enforcement, TCEQ and the community could have avoided many of these issues.

In terms of other requirements, we would strongly support that all outfalls and receiving waters be inspected by TCEQ on an annual basis to assure that visible plastic is not getting into waterways, and that all spills and unauthorized discharges be reported to

regional offices. All released materials should be required to be recovered by the operator, including both direct discharges but also runoff of plastic materials from stormwater. Thus, assuring that operators must also report spills onsite that may not reach the outfall directly is one way to assure that spills “onsite” are taken care of before they reach the compliance point (the outfall). While we understand that operators may utilize internal structure such as settling ponds onsite to gather plastic debris, we think BMPs should be developed to minimize the use of any “water” features that could lead to pollution and discharge of plastic materials during a storm event.

While TCEQ seems to be suggesting a three-year compliance period with a required construction schedule to achieve compliance, we would suggest instead a one-year compliance period, with the potential for extensions as needed. This extension would need to be justified need for additional time including a construction schedule to install new control structures or retrofitting existing systems to achieve compliance. We agree that if the compliance period extension is approved, the compliance period will include submission of quarterly progress reports.

While we do not have an objection to TCEQ reopening permits during the current permit term to include additional requirements under the staff-initiated minor amendment process for the no-discharge plastic provision, general notice should be provided to the public to allow for public comment.

The Lone Star Chapter of the Sierra Club appreciates the opportunity to submit these brief comments on the TCEQ proposal to specifically prohibit the discharge of certain kinds of plastic pollution.

Sincerely,

Cyrus Reed

Conservation Director

Lone Star Chapter, Sierra Club

[Cyrus.reed@sierraclub.org](mailto:Cyrus.reed@sierraclub.org)

512-740-4086

