

US EPA ARCHIVE DOCUMENT

H - II

PROGRAM DESCRIPTION
STATE OF TEXAS
TEXAS WATER COMMISSION
INDUSTRIAL AND HAZARDOUS WASTE DIVISION
HSWA II CLUSTER

INTRODUCTION

Based upon the legislative authority contained in the Texas Solid Waste Disposal Act codified as Texas Health and Safety Code, Chapter 361 (formerly Article 4477-7, Vernon's Texas Civil Statutes, the Texas Water Commission has the sole responsibility for the administration of laws and regulations concerning hazardous waste. To eliminate possible duplication of effort by various other agencies of the State and to best use resources, the Commission coordinates its actions with other agencies and utilizes assistance that may be made available by these agencies within their special areas of competence.

Since the beginning of the Federal hazardous waste management program, the State of Texas has continuously exercised its prerogative to participate in the process created by the Environmental Protection Agency for states to assume their roles in this important national program. As part of the process, Texas initially received authorization of its hazardous waste program under the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. §§6901 et seq. (1976) on December 12, 1984. Texas received authorization for revisions to its program on March 26, 1985, October 4, 1986, and December 18, 1986. Texas submitted further revisions to its entire hazardous waste program and final authorization of the Texas hazardous waste program became effective on March 15, 1990. On October 21, 1991, the State of Texas was given authority for the RCRA requirement referred to by EPA as the Toxicity Characteristic Leaching Procedure Rule.

SCOPE, STRUCTURE, COVERAGE, AND PROCESS

The Texas Water Commission will adopt rules necessary to complete the coverage corresponding to revisions in the federal hazardous waste program known as "HSWA Cluster II" on or before March 11, 1992, effective on or before March 31, 1992. This cluster includes the following regulations:

1. California List Waste Restrictions
2. Exception Reporting for Small Quantity Generators of Hazardous Waste
3. HSWA Codification Rule 2--Permit Application Requirements Regarding Corrective Action

4. HSWA Codification Rule 2--Corrective Action Beyond Facility Boundary
5. HSWA Codification Rule 2--Corrective Action for Injection Wells
6. HSWA Codification Rule 2--Permit Modification
7. HSWA Codification Rule 2--Permit as a Shield Provision
8. HSWA Codification Rule 2--Permit Conditions to Protect Human Health and the Environment
9. HSWA Codification Rule--Post Closure Permits
10. Identification and Listing of Hazardous Waste; Technical Correction
11. Farmer Exceptions; Technical Corrections
12. Land Disposal Restrictions for First Third Scheduled Wastes
13. Hazardous Waste Management Systems; Standards for Hazardous Waste Storage and Treatment Tank Systems
14. Land Disposal Restriction Amendments to First Third Scheduled Wastes
15. Land Disposal Restrictions for Second Third Scheduled Wastes
16. Land Disposal Restrictions; Correction to the First Third Scheduled Wastes
17. Reportable Quantity Adjustment Methyl Bromide Production Wastes
18. Reportable Quantity Adjustment
19. Listing of 1,1-Dimethylhydrazine Production Wastes
20. HSWA Codification Rule, Double Liners; Correction
21. Land Disposal Restrictions for Third Third Scheduled Wastes
22. Organic Air Emission Standards for Process Vents and Equipment Leaks

ORGANIZATIONAL STRUCTURE

On September 1, 1985, The Texas Water Commission assumed primary responsibility for protecting Texas' water resources as a result of the enactment of Senate Bill 249 by the 69th Texas Legislature.

Prior to that time, Senate Bill 1139, enacted by the 65th Texas Legislature had placed the responsibility for water resource protection and management with the Texas Department of Water Resources. Senate Bill 249 abolished the Department and transferred its regulatory functions to the Commission.

An organization chart of the Commission is included as Figure 1. A description of the Commission including those areas which may be directly involved in the management of industrial solid waste or municipal hazardous waste is presented also.

The Texas Water Commission

Three full time commissioners perform the legislative and judicial functions of the Texas Water Commission. They are appointed for six-year terms by the governor with the advice and consent of the Texas Senate. Their terms are staggered so that one member's term expires every two years, and a commissioner may not serve more than two six-year terms. The governor also appoints the chairman of the Commission.

Rules necessary to carry out the responsibilities of the Texas Water Commission are adopted by the three-member Commission. The Commission meets as necessary, usually several times a week in Austin, to render decisions concerning matters within their jurisdiction. The Commission also establishes the general policies of the agency and adopt the rules necessary to carry out the statutory responsibilities of the Texas Water Commission.

The Commission employs an executive director and four deputy directors to administer agency programs. The Commission also appoints a chief hearings examiner, a general counsel, a chief clerk, and a public interest counsel.

Office of General Counsel

The general counsel is the chief legal advisor to the three-water commissioners. Formerly this office consisted of a single individual whose primary responsibilities included guidance in the administration and enforcement of state and federal laws which govern the activities of the commission. Due to the consolidation of other state agencies' environmental programs and the commission's internal reorganization, a policy and research function has been added to this office. The new internal structure of the office includes a general counsel, an assistant general counsel for programs and operations, an assistant general counsel for policy and research, and support staff.

Office of Hearings Examiners

The Office of Hearings Examiners consists of licensed attorneys who conduct public hearings throughout the state on behalf of the Commission. At hearings, they take public comment and evidence on contested applications for surface water appropriations,

certificates of convenience and necessity, water and sewer rate increases, and all permits issued by the Texas Water Commission. The office also conducts enforcement hearings concerning permit violations. After reviewing evidence presented at a public hearing, an examiner prepares a written recommendation to the Commission concerning the matter in question.

The chief hearings examiner, who is appointed by the Commission, heads the office. Also included within the office is a director of dispute resolution whose purpose is to mediate contested matters without the necessity of a hearing.

Office of the Public Interest Counsel

The Office of Public Interest Counsel was created by the legislature to ensure that the public at large is represented in contested matters heard by the Commission.

The office is headed by the public interest counsel, who is appointed by the Commission. The public interest counsel participates in hearings to develop the evidence presented, specifically on environmental and consumer protection issues. The counsel is an advocate for consumer protection and the general public's interest in a clean and safe environment. The counsel also participates as a negotiator or problem solver in cases where such participation can assist in achieving solutions that address the concerns of the Commission, the public interest office, the general public, and the applicant.

Although the counsel does not serve as the attorney for people who wish to participate in a hearing, the counsel may assist individuals by explaining hearing procedures or legal issues that may arise, and by ensuring that individuals are able to participate meaningfully and that issues of concern to them are addressed.

Office of the Chief Clerk

The Chief Clerk is responsible for ensuring proper and timely issuance, publication, and posting of required notices of application, public hearings, and public meetings concerning matters that are being processed and/or heard by the Commission. After formal action by the Commission on permit applications and other matters, the Chief Clerk's Office transmits the final decision documents to applicants and other applicable parties. In addition, the Chief Clerk is designated as custodian of records for the Commission and is responsible for maintaining the official recordings of Commission meetings.

EXECUTIVE OFFICE

The Executive Director is hired by the commissioners to manage the day to day administration of the agency. The Executive Director oversees the four deputy directors, who run the agency's program

areas. In addition, there are two offices directly affiliated with the Executive Director: the Office of Pollution Prevention & Conservation, and the Office of Government & Community Relations.

Office of Pollution Prevention & Conservation

The Office of Pollution Prevention and Conservation was created in September 1991, through the statutory mandate of Senate Bill 1099. This new office will report directly to the Executive Director of the Texas Water Commission, and will chair an Interagency Council for Pollution Prevention to coordinate pollution prevention efforts across all state agencies.

This new office will continue the efforts of the Commission's Waste Minimization Unit. Established in 1989, this unit developed an assessment manual and training course, conducted on-site audits, managed a waste exchange, developed a recyclers directory, and provided assistance and training to the regulated community. It also worked closely with the Waste Reduction Advisory Committee, a legislatively mandated group appointed by the Commission to develop recommendations for program development.

Office functions will include providing information and assistance for businesses and industries on source reduction and waste minimization. This will be accomplished through the following:

- * preparing a list of consultants and researchers at state universities
- * sponsoring and conducting conferences and workshops
- * facilitating and promoting the transfer of technologies and procedures
- * developing and distributing model source reduction and waste minimization plans and audit procedures
- * conducting on-site audits
- * providing information on tax benefits
- * developing guidance and standards for water conservation

Other activities of the office will include developing the necessary data collection programs to evaluate the state's progress; producing a biennial report on source reduction and waste minimization activities, achievements, problems, and goals; and participating in existing state, federal, and industrial networks of individuals and groups involved in source reduction and waste minimization. The Office of Pollution Prevention will also work on water conservation issues across all agency areas.

Office of Government & Community Relations

Government and Community Relations is a focal point for public access to the agency and internal organization-wide initiatives. This division has four basic functional areas.

The Organizational Development and Special Programs area directs the organizational development programs, recruitment, and the

agency's minority and woman initiatives. Organizational Development includes programs and strategies designed to address a process of change that involves the continuing development of agency employees. Efforts are targeted in four areas: individual, interpersonal, group, and organization.

The Ombudsman provides all citizens an entry point for solving their particular issues of concerns with the agency. The Ombudsman, receives citizen comments and complaints about the Texas Water Commission and provides a framework for addressing and resolving issues of concern. The Ombudsman ensures that the agency is open and fair, and provides ethical public service. Bridging the gap between the bureaucracy and the citizenry, clearing up misunderstandings, providing alternatives and options, and solving problems in the system is the underlying framework of the Ombudsman. In response to citizen complaints, the Ombudsman provides feedback to management, and looks into policies, procedures, and laws which govern the Commission and which the Commission must enforce.

As another area of the office, Government and Business Assistance is a partnership which links agency programs and client communities in order to provide comprehensive information and assistance regarding the Texas Water Commission and its programs.

Recognizing a need relating to the access and understanding by the client community of rules, regulations, forms, processes, and programs, this area provides client groups with a substantive outreach program. Improved and timely access to information will enhance client and Commission efficiency and result in a cleaner environment. Government and Business Assistance informs and assists client groups in their interactions with TWC; provides client groups with improved access to agency programs; and serves as a clearinghouse for technical assistance training opportunities. In addition, staff provide a unified approach to identifying and addressing agency and client problems, providing client groups an opportunity to participate in the development of the rules, regulations, and processes which affect them.

Government and Business Assistance carries out ongoing workshops across the state to ensure that the regulated community, cities, and small businesses are fully apprised of the rules and regulations which apply to them.

Finally, Public Assistance and Outreach coordinates agency community relations. The 1-800 number currently under development will provide the people of the state with answers to their questions and serve as a point of contact for reporting environmental concerns. The Superfund community relations unit is located in this area. In addition, focus groups and informational community meetings are coordinated here, as are liaison relationships with local government.

OFFICE OF WASTE MANAGEMENT AND POLLUTION CLEANUP

The Deputy Director of Waste Management and Pollution Cleanup oversees four program divisions: Industrial & Hazardous Waste, Municipal Solid Waste, Petroleum Storage Tanks, and Pollution Cleanup.

Industrial & Hazardous Waste Division

The Industrial & Hazardous Waste Division oversees all state regulatory aspects of industrial and municipal hazardous waste and nonhazardous industrial solid waste activities in Texas. The Division has four main functions:

- * Processing permits for industrial and hazardous waste management facilities;
- * Enforcing agency rules in cases where an individual or company manages waste illegally, and assuring proper remediation of solid waste sites;
- * Overseeing the tracking of industrial and hazardous waste in Texas by using the manifest system and other mechanisms;
- * Maintaining an annual waste generation fee and facility fee fund, and a hazardous waste management fund. These funds are used to regulate industrial solid waste and hazardous waste and supplement federal funding for the Resource Conservation and Recovery Act (RCRA) and the non-RCRA program.

The Division is organized into five sections along functional lines:

The Commission is delegated many federal permitting and enforcement responsibilities with regard to hazardous and solid waste. Applications for storage, processing, and disposal of industrial solid wastes and hazardous wastes are processed by the division's Permits Section. Technical staff members review and evaluate such proposals, and develop information and recommendations to assist the commissioners in deciding whether to issue or deny a permit. Permitting of Class I underground injection wells used for disposal of industrial and municipal waste fluids are also a function of this section.

The Enforcement Section coordinates and processes enforcement action requests received from the Field Operations Division concerning noncompliant facilities and closure plans. This section also prepares compliance plans for corrective action of contaminated ground waste at hazardous waste facilities. Staff members perform comprehensive ground water monitoring evaluations and review contamination assessment plans and ground water quality data. This section also technically evaluates closure plans and recommends the approval/disapproval or modification of such plans.

The Waste Evaluation Section is responsible for the internal and external data processing and reporting functions of the division. This includes the maintenance of certain data for the Commission's mainframe computer and the U.S. EPA's national data base. Staff evaluate and maintain an array of data pertaining to hazardous waste permits and compliance monitoring activities. This section also prepares and maintains the hazardous waste capacity assurance plan for Texas.

The Corrective Action Section evaluates, modifies, and approves plans designed to determine if groundwater contamination has occurred at permitted facilities, and to implement appropriate ground water corrective actions plans. Staff members perform comprehensive ground water monitoring evaluations and review contamination assessment plans and ground water quality data. This section also has the responsibility of providing technical and regulatory reviews to ensure the adequate closure of units that manage industrial solid waste or hazardous waste.

Within this section is a new Federal Facilities Unit, which will be responsible for numerous planning, review, technical, community, legal, and financial activities related to the remediation of 26 U. S. Department of Defense facilities.

The Technical Consultants Section is composed of staff with a cadre of regular duties who also work on special problems, issues, and projects within the realm of their expertise and experience. Sometimes referred to as the "super-experts", this group is comprised of persons skilled in engineering, ground water, regulatory affairs, statistics, risk management, data analysis, geotechnology, legislative matters, and program planing and development.

Municipal Waste Management Division

Senate Bill 2, passed during the 72nd Legislative Session, transfers the municipal solid waste management functions of the Texas Department of Health to the Texas Water Commission on March 1, 1992. The area of the TWC to incorporate these functions will be the Municipal Waste Management Division.

Principally, this division will control the collection, handling, storage, and processing of nonhazardous municipal solid wastes. These wastes originate in residences, businesses, commercial activities, institutions, recreational and military facilities.

Using the current Health Department organization, the following descriptions define this division's functions:

Surveillance and Enforcement involves enforcement, ground water protection, and special wastes. Enforcement includes coordinating with the regional offices on inspections of all municipal facilities and operations, identifying and closing illegal

municipal solid waste disposal facilities, and responding to illegal dumping complaints. Ground water protection identifies landfills posing potential threats to ground water, evaluates landfill plans to ensure groundwater protection, and evaluates reports, programs and operations to make sure ground water is protected. Special wastes involves handling requests for disposal of Class I industrial wastes at municipal solid waste facilities, responding to inquiries regarding the handling and disposal of asbestos, medical wastes, and petroleum-contaminated soil, and approving plans for collection and handling of household hazardous waste.

Permits and Registration involves permits processing and technical support, and registrations processing. Permit applications for facilities that plan to dispose of or process municipal solid waste are reviewed and processed. Upon completion of application reviews, recommendations are made for permit issuance or denial. Staff also conduct indepth analyses and participate in public meetings on proposed facilities. Also within the area, registrations are processed for generators and transporters of scrap tires and tire storage facilities; recycling or waste separation facilities at permitted facilities; and beneficial sludge application sites, sludge transporters, and medical waste transporters.

Plans and Programs is comprised of plans, training and programs, and recycling and waste minimization. The first area concentrates on numerous outreach activities, including allocation and monitoring of cooperative agreements to develop and implement solid waste plans and programs, providing education resources to citizens, groups, and schools, and providing opportunities for public involvement in solid waste planning activities. Training and programs coordinates writing, updating, and publications of guidelines and regulations regarding the management of municipal solid waste. The staff provides technical assistance to municipal solid waste technicians and operators, manage the Technical Assistance Grant Program, and oversee the Solid Waste Technician Certification Program. Recycling and waste minimization pursues the development of markets for recyclable materials, works with manufacturers to reduce packaging, and provides technical assistance and referrals to communities, organizations and businesses concerning waste minimization and recycling. Staff also maintain an information clearinghouse hotline, and a database for recycling programs and contacts.

Several new programs will be initiated to reduce the impact of municipal solid waste on the environment, including programs for composting, waste tire and used oil recycling, rules to establish a new recycling program, and standards development for household hazardous waste collection.

Petroleum Storage Tank Division

The Petroleum Storage Tank Division is responsible for

administering the agency's regulatory program for underground storage tanks and aboveground storage tanks, which is designed to maintain and protect the quality of Texas ground and surface water resources from contamination caused by releases from storage tanks that contain petroleum and other hazardous substances.

The division coordinates extensively with the U.S. EPA regarding the federal underground storage tank regulatory program and the administration of the federal leaking underground storage tank (LUST) trust fund in Texas. Accordingly, the division is responsible for the implementation of the state and federal programs for the prevention and cleanup of contamination resulting from leaking tanks.

In coordination with the agency's Legal Services Division, staff members develop and update the agency's storage tank rules. Additionally, division staff routinely respond to requests from tank owners and the general public for administrative and technical assistance in meeting these regulatory requirements, participate in public information meetings and distribute written guidance materials upon request.

The division's Registration Section reviews and records new and amended storage tank registration data and maintains a computerized data base of this information. The information maintained by this section also is used in the agency's storage tank fee filing program, which is administered by the Fiscal Management Division.

Additionally, this section issues registration certificates to owners of certain petroleum storage tanks. These certificates provide documentation of registration for product delivery purposes and for eligibility for participation in the state ground water protection cleanup program and the petroleum storage tank remediation (PSTR) fund.

The Technical Services Section performs the technical review and evaluation of planning materials, reports, and specifications for storage tank system equipment and operating procedures, and for specific construction activities, including storage tank projects in the sensitive Edwards Aquifer Recharge Zone. Section staff also review and record storage tank construction notification data, and coordinate construction activity scheduling and monitoring with inspectors in the Field Operations Division.

This section also administers the agency's underground storage tank contractor registration and installer licensing programs, in cooperation with the Governor's Underground Storage Tank Advisory Committee.

The Responsible Party Remediation Section records and evaluates all reported releases of petroleum and other hazardous substances from regulated storage tanks. This section directs and assists the responsible parties in their corrective action activities to ensure the proper abatement, assessment, cleanup and remediation of any

contamination resulting from such release incidents.

To accomplish this, section staff issue written corrective action directives to the responsible party, evaluate the environmental site assessment reports, and monitor the implementation of approved corrective action plans developed by the responsible party. For many minor release incidents, and in certain other specific cases, district field personnel from the agency's Field Operations Division will oversee and direct the corrective action activities by the responsible party.

This section also processes applications from responsible parties for reimbursement of eligible and allowable corrective action expenses from the state Petroleum Storage Tank Reimbursement Fund.

Administration of agency rules for the storage and treatment of petroleum substance wastes generated as a result of petroleum storage tank releases also is handled by this section. Staff process and record applications for authorization and registration data for facilities that treat, store, or otherwise manage nonhazardous petroleum substance contaminated soils and water.

The Storage Tanks Enforcement Section processes enforcement action requests from Field Operations Division personnel and division staff related to violations of storage tank statutes or rules. In cooperation with the Legal Division, section staff assemble information and data regarding the alleged violations, initiate communication with the alleged violator, schedule and organize meetings with the parties and witnesses, determine recommended penalties and compliance actions, and develop necessary documentation related to the case. The section also actively participates in all examiner and Commission hearings regarding these cases. In cases where administrative penalties and compliance actions are ordered or agreed, section staff monitor the progress of the violator in performing the necessary compliance actions and in remitting the penalty amounts.

Pollution Cleanup Division

The Pollution Cleanup Division identifies and manages the removal of hazardous wastes posing a short-term threat to citizens or the environment and also responds to releases of oil and hazardous substances on land areas and inland waterways. For long-term problems, where removal or cleanup is not adequate to protect health and the environment, the division ranks, investigates, selects and designs remedies for, and oversees construction activities at state and certain federal Superfund sites. At EPA-lead federal Superfund sites, the division oversees these projects to protect the interests of the state.

The Administration/Technical Support Section establishes and maintains administrative and program management procedures. Section staff assist in the development of technical and financial policy, provide expert technical services and training to project

managers and support staff, and provide services for contract and grant management. This section also manages the division's outreach effort to contract with women and minority-owned businesses, and coordinates utilization of innovative technologies.

The Emergency Response and Assessment Section identifies sites that may qualify as State Superfund sites, assessing and prioritizing eligible sites for continued evaluation, and identifying potentially responsible parties for eligible sites. Staff determine which of the eligible sites are causing irreversible or irreparable harm to the public and require an immediate removal action under Section 361.91 of the Solid Waste Disposal Act. The section seeks voluntary, immediate removal action when required, and site cleanup from the identified potentially responsible parties prior to the proposal of the site as a state Superfund site. Staff prepare Hazard Ranking Packages, which determine the related need of cleanup at each site. This section also participates in the EPA Cooperative Agreement to administer and provide oversight of EPA/Site Screening Inspections.

The Superfund Investigation Section manages performance of remedial investigations and feasibility studies (RI/FS) under the state Superfund statute and rules. Staff notify potentially responsible parties of the need to conduct an RI/FS at proposed state Superfund sites. They also conduct public meetings to list sites on the State Superfund Registry, to inform the public of the selected cleanup remedy, or to de-list a site from the Registry. For fund-financed state Superfund sites, the section procures contracts, negotiates contracts, and oversees consultants' technical and financial performance during RI/FS work. For potentially responsible party-financed state Superfund sites, the section negotiates administrative orders, reviews work plans and reports for technical sufficiency, oversees performance of all RI/FS activities and approves the most appropriate cleanup remedy. Staff also manage the post-remedial action operations and maintenance of sites until they no longer pose a threat to human health or the environment.

The Superfund Engineering Section has three primary duties:

- * Provide technical support during Remedial Investigations and assume primary responsibility for engineering aspects of the Feasibility Study, all under the direction of the Superfund Investigation Section.
- * Manage the funding, design and construction of the cleanup of all state-lead federal Superfund and State Superfund Registry sites in Texas.
- * Manage and coordinate removals of hazardous wastes from non-Superfund/non-RCRA hazardous waste dump sites, when such removals are not an emergency or of a time-critical nature.

To these ends, section staff secure cooperative agreements (grant)

from the U.S. EPA to fund remedial designs and remedial actions (cleanups) at federal Superfund sites, and contract for and supervise engineering and construction services at Superfund sites during the implementation of the remedy. Finally, this section provides engineering technical assistance and review for EPA Region 6 and other sections of the division.

OFFICE OF LEGAL SERVICES & COMPLIANCE

The Deputy Director of Legal Service & Compliance oversees three divisions: Legal Services, Field Operations, and Border Affairs.

Legal Services Division

The Legal Services Division's primary functions are to assist in the preparation and revision of agency rules, and to provide legal support concerning permit application processing, administrative enforcement actions, hearings, water and sewer rate regulation, petroleum storage tank regulation, and administrative lawsuits involving the agency.

This division provides legal representation for the Executive director and the agency. The division is divided into five major areas-water quality, hazardous and solid waste, water rights, water utilities, and petroleum storage tanks. Legal assistance is also provided to the Texas Board of Irrigators and the Texas Water Well Drillers Board.

Field Operations Division

The Field Operations Division provides the Commission with the capability to monitor surface and ground water quality, hazardous and solid waste, petroleum storage tanks, and water rights. The division also oversees the quality and physical data used by the various agency offices and programs. On March 1, 1992 the division will assume the monitoring duties of the Texas Department of health related to municipal solid waste and public drinking water supplies.

Field Operations administers 14 field offices throughout the state that perform most of the monitoring activities for the agency. The division also maintains an analytical laboratory in Houston.

Division inspectors in the agency's field office's conduct inspections of municipal and industrial wastewater treatment facilities on a routine basis to evaluate the facilities' compliance status. In addition, streams, reservoirs, and estuaries are monitored for compliance with state water quality standards. Water utility districts in the process of creation are inspected, along with their progress in constructing wastewater treatment facilities. Every public or private system providing drinking water requires monitoring to assure safe water supplies.

Field staff also routinely inspect facilities that generate, store,

process, or dispose of industrial solid waste or hazardous waste to determine if these activities are conducted in accordance with the Texas Solid Waste Disposal Act and the Texas Water Code.

Monitoring non-hazardous waste will become a responsibility of division inspectors on March 1, 1992. Municipal landfills, special wastes, discarded automobile tires, waste oil and filters, septic tank pumpings, medical waste, and incinerator ash are examples of non-hazardous wastes to be monitored by division staff.

When necessary, enforcement action may be initiated to bring about compliance. Monitoring and enforcement activities deal not only with facility standards, but also include preparedness for and prevention of fires, explosions, or uncontrolled releases of hazardous waste; contingency plans and emergency procedures; shipping, record keeping and reporting requirements; and ground water monitoring.

When situations are appropriate, special investigations are performed. These special investigations focus on coordinating with state and federal agencies to identify violations of criminal codes. Concurrent with special investigations, an increase in multi-media monitoring and enforcement will provide a more complete determination of a facilities' compliance with all relevant environmental rules and regulations.

Field Operations personnel provide support to the Pollution Cleanup Division's Texas Emergency Response Center. Field investigators make an on-scene response to many chemical and waste spills, and at any major situation where potential exists for environmental harm.

In Texas, refined petrochemical products are stored in aboveground and underground storage tanks. Inspectors monitor the installation and removal of these tanks, identifying any tanks possibly leaking their contents into subsurface water bearing strata. Staff also identify non-registered tanks and advise the tank owners of state and federal regulations. In addition, field personnel monitor the progress of cleanup activities at leaking underground storage tank sites.

The Commission depends upon quality chemical and physical data, and quality inspection plans in their decision making. The Field Operations staff provides that quality assurance by operating an analytical laboratory inspection program. Staff members monitor the quality of chemical data and reviews all inspection plans prior to implementation.

Except for matters regarding water utility rates, the Field Operations Division also investigates all complaints, certain requests for assistance from the public, and reports of violations received by the agency.

Border Affairs Division

The Border Affairs Division is the Commission's liaison with Mexico. A new area for the Commission, this division coordinates the agency's environmental programs with local U. S. officials and well as local, state, and federal Mexican officials.

The primary function of the division is to ensure water quality standards, proper disposal of maquiladora-generated hazardous waste, and the proper usage of drinking water. The division also plans initiatives and public education, and spearheads community involvement to promote a better border environment.

OFFICE OF WATER RESOURCE MANAGEMENT

The Deputy Director of Water Resource Management oversees three divisions: Standards and Assessments, Water Utilities, and Watershed Management.

Standards and Assessments Division

The Standards and Assessments Division is responsible for Commission efforts to assess prevention, control and abatement of water pollution in Texas. Designated by the Governor as the state water quality planning agency, the Texas Water Commission coordinates all water quality planning in the state to meet requirements set out in the Texas Water Code and the federal Clean Water Act. This achieved in cooperation with appropriate local planning agencies, the U.S. EPA, other state agencies and river authorities.

The Watershed Assessments and Planning Section updates and maintains the state's water quality management planning program. Part of this update process is achieved by entering into contracts with regional planning agencies. The section reviews wastewater permits, facility plans, and water use/appropriation permits to ensure conformance with water quality management plans. A new function of the section is the implementation of Texas Senate Bill 818, which coordinates the comprehensive assessment of regional water quality by watershed or river basin. The section also is responsible for developing and managing the nonpoint source pollution control program for Texas, and the Clean Lakes Program. The Municipal Pollution Abatement Program is developed and implemented by this section.

The Environmental Systems Section conducts intensive monitoring surveys of rivers, lakes, streams and estuaries to assess water quality and identify problem areas. Data collected in these surveys are utilized by staff in developing waste load evaluations and water quality computer models to determine the water quality effects of pollutant discharges. Preparing plans to improve water quality in identified problem areas is also a function, as is compiling the biennial "Water Quality Inventory." Assessments of state water quality rely on the Statewide monitoring Network, which

is coordinated by this section. All of these activities are vital components in developing and maintaining the State of Texas Surface Water Quality Standards. These standards establish stream, river, reservoir and estuary uses, and specify general and numerical criteria to protect those uses.

The section conducts water availability studies to determine if state surface water is available for appropriation, and assesses instream flow requirements for streams and rivers and freshwater inflows necessary to maintain the ecological health of the state's estuarine systems. Through a cooperative agreement and grant from the National Oceanic and Atmospheric Administration, section staff developed a desk-top computer database entitled Coastal Ocean Management Planning and Assessment System (COMPAS) which provides water resource planners a variable coastal resource database.

The Galveston Bay National Estuary Program (GBNEP) began on September 1, 1989 and is in the third year of a five-year effort to identify the environmental problems facing the Bay. This program is gathering historical and new data and information to address environmental status and trends and identify and describe the causes of environmental problems; and drafting a Comprehensive Conservation and Management Plan for management of the estuary.

The GBNEP's approach is one of consensus-building among all user groups, agencies and the public. The structure of the program reflects this commitment and consists of six committees with broad-based membership, coordinated by a program director and staff. The intent is to manage Galveston Bay as a single integrated system, by integrating the various jurisdictions of state and federal agencies.

Water Utilities Division

The Districts Section of the Water Utilities Division is charged with the general supervision of water districts. This includes bond review authority to:

- * Assure the engineering and economic feasibility of bond issues;
- * Assure that bond funds are used for the benefit of the residents of the district; and
- * Ensure that construction projects are designed and completed with proper approvals to protect the state's natural resources.

As part of this oversight, the section provides educational assistance through a regular newsletter, reviews annual audit or other financial reports of each active district, responds to complaints and customer inquiries and maintains a database on each of the more than 1,300 water districts registered with the state.

The Rates Section regulates the rates and service policies of more than 1,200 investor-owned utilities to ensure that every customer

is provided quality utility service at reasonable rates. Financial and quality-of-service investigations are conducted each time a utility adjusts its rates. Certificates of Convenience and Necessity (CCNS) are issued to designate authorized service areas, to encourage continuing investment and upgrading of facilities, and to prevent unnecessary and expensive duplication of facilities or competition between utilities. Customer inquiries and complaints also are investigated and resolved.

CCNs are issued to every nonprofit water supply or sewer service corporation (WSC), and any district or city desiring to clearly designate service areas that may extend beyond corporate or district boundaries. The Rates Section also investigates and testifies at public hearings on retail customer rate appeals for WSCs, districts and out-of-city retail customers, and appeals of rate changes by wholesale customers.

Watershed Management Division

The Watershed Management Division's Agriculture Section is a new area within the Commission, established to simplify the processing of water quantity and quality matters of the agricultural community. This section is responsible for water quality and water rights permitting, enforcement, and water conservation activities related to agriculture. In addition, this section implements the State Management Plan for Agricultural Chemicals in Ground Water, provides accredited training to pesticide handlers and users, models pesticide movement through the soils and ground waste, monitors for pesticides in ground water, and provides support to the Agricultural Chemical Subcommittee and the pesticide collection program.

The Community Affairs Section was created to seek more public involvement in Commission activities, and to provide better service and information to the public and regulated community on environmental problems. This is accomplished by providing a broad range of technical assistance and training to individuals, groups, organizations, communities, and businesses to help the Commission protect Texas' valuable natural resources. This section focuses on such programs as volunteer citizens monitoring, agricultural hazardous waste collections and other related programs.

The Ground Water Section performs a variety of functions related to ground water protection and conservation. These include special ground water projects such as the Edwards Aquifer regional wellhead protection project, statewide pollution potential mapping, and investigations of shallow ground water contamination. Staff also provide assistance to underground water conservation districts and perform evaluations of critical ground water areas as mandated by the Legislature. Other legislative duties consist of reporting on ground water contamination in Texas, assisting the Ground Water Protection Committee and Ground Water Contamination Screening Committee, and maintaining extensive data bases to track ground water pollution in Texas.

Nonpoint source pollution projects are a major responsibility of the section, involving nonpoint source contamination assessment and public education projects, identification of contamination sources, and oversight of the abandoned well closure program. In addition, staff evaluate permits as covered by the agency's Edwards Aquifer rules.

Section staff provide information to the oil and gas industry to meet Railroad Commission rules requirements for surface casing of oil and gas wells; evaluate the impact of sulfur, lignite and uranium exploration projects on ground water; and maintain a database of evaluations of usable quality water.

The Dam Safety and Flood Control Section administers the dam safety program to ensure that dams in Texas do not become public hazards due to improper design and construction, and/or inadequate maintenance and operation. As part of this program, the section evaluates options available to correct dams that are considered inadequate.

The section is developing a comprehensive floodplain management plan for the Trinity River basin that will be used as a model for other basins in Texas. Staff members also participate in the National Flood Insurance Community Assistance Program and provide engineering review of plans for levee and channel modification projects that will affect flood flows of Texas streams.

The Permitting Section evaluates permit applications for wastewater discharge permits, water rights permits, and climate modification permits. Staff process applications by performing administrative and technical reviews, preparing draft permits, and providing expert testimony at public hearings and before the Commissioners.

This section also reviews plans and specifications for all proposed domestic wastewater treatment projects to assure compliance with appropriate state design criteria. Additionally, the section reviews plans and specifications for water districts and projects to be located over the Edwards Aquifer.

The Permitting Section, in coordination with the EPA, evaluates Pretreatment Programs of publicly-owned treatment works (POTWs). Additionally, the staff evaluate and assist POTWs in developing Local Limits designed to assure that treatment facilities comply with the Texas Surface Water Quality Standards and applicable EPA regulations.

Staff provide assistance and oversight to permittees required to conduct a toxicity identification evaluation/toxicity reduction evaluation, and evaluate federal permits and licenses for compliance with the Texas Surface Water Quality Standards.

The Enforcement Section provides the legal, administrative and technical actions necessary to identify alleged Texas Water Code violations, and to bring violators into compliance with the

statutes. Resolution of noncompliant activities involves negotiation with violators, issuance and follow-up of administrative enforcement actions, litigation, and technical support.

The ground water investigations team conducts various ground water and soil contamination investigations, including industrial, municipal and agricultural sites. Additionally, the team performs site evaluations for new permit applications and renewals to determine if a potential to contaminate ground water exists. Additional enforcement program support is provided by the analysis of data collected from soil and ground water monitoring.

The Enforcement Section also coordinates watermaster operations. AT present, there are two watermaster programs in operation: the Rio Grande watermaster offices in Weslaco and Eagle Pass, which allocate state surface water in the Lower and Middle Rio Grande, and the south Texas Watermaster, with an office in San Antonio, responsible for the Guadalupe, San Antonio and Nueces River Basins.

Enforcement Section personnel currently provide administrative and technical support to the Texas Water Well Drillers Board and will assume full responsibility for the program when the Board is dissolved on August 31, 1992.

This section also maintains all records for the wastewater operator certification program, conducting tests for and certifying wastewater treatment plant operators throughout Texas.

This section's program support team maintains a wastewater permit database, tracking monthly self-report data received from municipal and industrial permitted entities state-wide. Water quality data is provided to the enforcement team, other areas of the agency and to the public upon request.

OFFICE OF ADMINISTRATION

The Deputy Director of Administration oversees six divisions: Budget, planning and Evaluation, Fiscal Management, Human Resources and Employee Relations, Information Resources, Support Services, and Public Information and Education.

Budget, Planning and Evaluation Division

The Budget, Planning and Evaluation Division is to ensure that the financial resources of the Texas Water Commission are properly and appropriately managed.

The Fees and Receivables Section processes and accounts for all deposits and refunds for the agency. The major fees programs include: wastewater inspection fees; hazardous and solid waste disposition, facility and generator fees; toxic reporting fees; solid waste management fees; and above-ground, underground and licensing petroleum storage tank fees.

The Grants and Contracts Section reviews the financial terms and conditions of all grants and contracts associated with the Texas Water Commission, including time for payment, and review of vouchers for contractual terms and conditions, including available balances. Reviews are performed for federal grant applications, initiation forms, award documents and amendments with respect to financial terms and conditions. This section also plays a significant role in assisting the U.S. EPA by providing testimony for court cases involving cost recovery efforts.

The Financial Assurance Section is responsible for monitoring and reviewing financial assurance documentation for the regulated community. Additionally, this section:

- * Refers enforcement action and provides technical support for financial assurance violations;
- * Analyzes personal and corporate financial statements and tax information to determine financial ability to comply with administrative penalties or regulations;
- * Reviews contracts' scope of work to determine risks involved in identifying required insurance or other required financial protection;
- * Reviews insurance policies on contracts to ensure contract provisions are met;
- * Writes and revises state financial assurance regulations;
- * Represents the agency on financial responsibility regulations and decisions before the commissioners, hearing examiners and the public; and
- * Processes, controls and maintains documentation for bankruptcies.

The General Ledger and Financial Reports Section prepares the Annual Financial Reports for the Texas Water Commission. Additionally, on a contractual basis, annual reports and other financially-related tasks are performed for all Compacts Commissions and the Water Well Drillers Board. This section monthly reconciles agency cash accounts with the State Comptroller's records, and prepares expenditure transfers between funds for cost allocation purposes.

The responsibilities of the Petroleum Storage Tank Reimbursement Section entail reimbursements of allowable remediation costs associated with leaking petroleum storage tanks, and financial reviews or audits of applications for reimbursement after technical reviews by the Petroleum Storage Tank Division and District Field Office verification.

The Claims and Cash Management Section processes all travel claims and claims for receipt of goods or services; codes and encumbers expenditure requisitions of the agency amended budget; reviews and approves vouchers for payment; performs cash management activities and ensures compliance with Accounting Policy Statements issued by the Comptroller's office.

The Purchasing Section effects the requisition and procurement of supplies, equipment, and services necessary to the programs and operations of the Texas Water Commission.

The Audit and Program Coordination Section assists in coordinating the Uniform Statewide Accounting System; establishing the petroleum storage tank reimbursement audit program; coordinating all program audits; coordinating Fiscal's role in the agency consolidation effort; and assisting in the preparation of the annual financial statement.

Human Resources & Employee Relations

The goal of the Human Resources and Employee Relations Division is to provide courteous, prompt, and effective service to the general public and agency employees. To meet this objective, this division has introduced new programs and enhanced existing functions. The division consists of four sections: Employment/Wage and Salary Administration, Employee Relations, Personnel Systems, and Human Resources Development.

The Employment portion of the Employment/Wage and Salary Administration Section is responsible for job posting, recruiting, applicant tracking and reporting. Employment activities include monitoring Equal Employment Opportunity compliance and reporting progress toward affirmative action goals, as well as developing intern and co-op programs. The Wage and Salary Administration portion conducts classification analyses and is currently establishing a Dual Career Tracks program to develop "super technical" employees.

The duties of the Personnel Systems Section include maintaining personnel records and the personnel data base and handling employee benefits, such as group health insurance, retirement, workers' compensation and deferred compensation. The agency payroll and timekeeping functions also operate within this section.

The Employee Relations Section handles all employee grievances and sensitive personnel-related matters. With the help of the Employee Services Program, troubled employees and their families can receive referrals to appropriate sources of care. Training on issues such as stress management, signs of drug use in the work place, and dealing with a difficult child are offered to employees as part of the ESP under Employee Relations.

General training classes on management and administrative issues are offered through the Human Resources Development Section to assist employees in their career development. In addition, special speakers and outside training activities are often coordinated for employees. Staff travel to the agency's district offices to share training events with field personnel.

The Human Resources and Employee Relations Division has introduced

cultural awareness programs to the Texas Water Commission, including the agency's first Black History Month event. The division also is responsible for the Wellness Committee, which has successfully raised money for several area causes, in addition to educating employees on health issues and providing the opportunity for participation in a variety of sports.

Information Resources

The Information Resources Division provides automation services and support to the agency, as well management of the agency's central records.

The Data Processing Services Section provides services to agency operations across the state, including strategic planning for agency information systems; operational planning, analysis, design, programming, installation and training for new and enhanced agency-wide information systems; and maintenance of over 100 production systems.

This section also supports an agency advisory committee for information resource management and coordinates all relevant plans and activities with the Texas Department of Information Resources. Section staff provide data processing and computer graphics services to other agencies through interagency contracts, and also provide reports requested by business and industry around the state.

The Record Systems Section houses the agency's central records for use by agency staff and the general public, and provides records management, microfilming and electronic imaging services to the agency. This section also manages the Texas Water Commission Library, which is the largest water-related library in the national not affiliated with a university. Library reference services and borrowing privileges are extended to the general public, and primary collections emphasis is on water-related information concerning Texas and surrounding states. The library also is the coordination point for ordering agency publications.

The Information Center Section evaluates, procures, installs, maintains, supports, and trains agency staff in the use of microcomputer hardware and software of microcomputer-based applications and office automation tools. This section also develops and supports agency administrative mainframe applications.

Support Services

The Support Services Division's Staff Services Section performs the mail, property management and supply, and facilities planning functions in the agency. All publications are distributed by the Mail Unit of this section.

The Reproduction Section works with the Public Information and Education Division of the agency in preparation of agency documents

and reports, including related drafting, printing and information productions.

Public Information and Education

The Public Information and education Division develops information initiatives directed toward all areas of the public. Staff in the Communications Section act as the Commission's liaison with the news media, plus research and write the agency's newsletter and other general information publications.

The Program Development Section coordinates the agency's public information programs, including planning public awareness and education initiatives. This section also is involved with agency programs directed toward teachers and school children, to promote hands-on learning experiences in environmental education.

The Graphics Section coordinates the production of all agency publications and other printed materials. This section prioritizes agency materials for production, designs graphics, and produces finished artwork.

FUNDING AND RESOURCES

Description of Staff

The organizational structure of the Texas Water Commission is shown in Figure 1. The agency has been reorganized along programmatic lines to make for an effective, efficient, and responsive public agency. Permitting, enforcement, and planning responsibilities for each major program have been vested in each division responsible for that particular area.

The day to day operation of the industrial and hazardous waste management program resides in three divisions: the Industrial and Hazardous Waste Management Division whose primary function is to administer and oversee all aspects of hazardous and industrial solid waste activities in Texas; the Field Operations Division who performs most of the monitoring activities for the Commission; and the Legal Services and Compliance Division who provides the legal representation required by the executive director of the Commission and his technical and administrative staff.

Table 1 shows staffing within the participating divisions who participate in RCRA/HSWA activities and the percentage of effort devoted to the implementation of the industrial and hazardous waste management program.

Table 1

State Agency Staff Carrying Out the Program
Fiscal 1992

	Number of Positions	Number of Workyears
Industrial & Hazardous Waste Division	86	77.78
Field Operations Division	49	46.66
Legal Services Division	9	7.00
Total	134	131.44

Funding

Budget requirements for the fiscal year are met through federal assistance funds authorized by Sec. 3011 of Subtitle C-Hazardous Waste Management of the Resource Conservation and Recovery Act of 1976 and made available by a Federal Cooperative Agreement between the U. S. Environmental Protection Agency and the State of Texas. 75 percent of the funding is provided by the USEPA and the 25 percent state match is provided by funds appropriated by the Texas Legislature or assessed by the Commission through user fees.

Since the beginning of state fiscal year 1986, the funding support to state hazardous waste regulatory programs and remediation activities at abandoned waste disposal sites has been provided almost exclusively by fees assessed against industries involved in the production or management of hazardous wastes.

Table 2 shows the allocation of federal and non-federal resources dedicated to the implementation of the RCRA program for fiscal 1992.

Table 2

Direct Program Costs

Program Element	Federal	Non-Federal
RCRA Program Implementation	\$2,388,354	\$ 796,118
Compliance Monitoring and Enforcement	2,986,478	995,492
Program Management	1,640,392	546,798
Total	\$7,015,224	\$2,338,408

Contractual Costs

Program Element	Federal	Non-Federal
RCRA Program Implementation	\$ 3,422	\$ 1,141
Compliance Monitoring and Enforcement	236,888	78,962
Program Management	42,060	14,020
Total	\$ 282,370	\$ 94,123

Table 3 shows the distribution of federal and non-federal funds by object class category for fiscal 1992.

Table 3

Costs by Object Class Categories

(a) Personnel	\$4,317,899
(b) Fringe Benefits (23.56% of Personnel)	1,017,297
(c) Travel	285,979
(d) Supplies	140,216
(e) Contractual	376,493
(f) Other	86,068
(g) Total Direct Charges (sum of a-h)	6,223,952
(h) Indirect Charges (Variable Rates)	3,129,680
(i) Total (Sum of g and h)	\$9,353,632

The estimated number of regulated activities subject to program revision requirements is summarized in Table 4.

TABLE 4		
ESTIMATED STATE OF TEXAS ACTIVITIES SUBJECT TO PROGRAM REVISION REQUIREMENTS FOR FISCAL YEAR 1992		
Type of Activity	Number of Handlers (Texas)	Waste (1) Quantities Tons (Texas)
Generators	(2,3) 9,508	63,500,000
Transporters	(3) 1,489	(4) NA
Storage		
On-Site	(5) 143	4,424,500
Off-Site	(9) 21	(6) 61,109
Treatment		
On-Site	(5) 95	52,200,700
Off-Site	(9) 18	(6) 16,026,400
Disposal		
On-site	(5) 46	13,159,000
Off-Site	(10) 14	(6) 716,611
Transported Into Texas	(7) 24,691	260,500
Transported Out of Texas	(8) 878	378,000

Legend

- (1) All volume data is based upon 1989 data, as of March, 1991.
- (2) Number of Generators within Texas with a hazardous waste stream on the Notice of Registration.
- (3) Number based upon October, 1990 data.

- (4) Data element not applicable to Texas.
- (5) Minimum number (of the top 200 handlers) reporting the activity at the end of the year.
- (6) Off-site includes all handlers receiving waste from off-site shipments to commercial and captive facilities. Discharges to wastewater treatment plants are included in shipment volume totals.
- (7) Number of individual shipments into Texas. (The State does not track individual shippers to Texas)
- (8) Number of Texas generators shipping out of State. (Does not include one-time shippers without a State Identification Number)
- (9) Number of permitted commercial facilities. (Does not include facilities under interim status or captive facilities)
- (10) Includes six landfills and eight UIC facilities.

Workload Cost Estimates for Implementing the HSWA II Cluster

Major workload costs are associated with implementation of the regulations for the HSWA Cluster II. Please refer to Table 5 for a listing of the regulations and their relative impact. It is estimated that total additional workload costs imposed on the Commission are \$356,900 annually.

Table 5

HSWA CLUSTER IIEFFECT OF NEW REQUIREMENTS ON TWC WORKLOADS

<u>Description and Citation of Regulation</u>	<u>Effect on TWC Workload</u>
1. California List Waste Restrictions 52 <u>Fed.Reg.</u> 25760	Moderate effect
2. Exception Reporting for Small Quantity Generators of Hazardous Waste 52 <u>Fed.Reg.</u> 35894	Insignificant effect
3. California List Waste Restrictions; Technical Corrections 52 <u>Fed.Reg.</u> 41295	No effect
4. HSWA Codification Rule 2 52 <u>Fed.Reg.</u> 45788	Major effect
5. Identification and Listing of Hazardous Waste, Technical Correction 53 <u>Fed.Reg.</u> 27162	Insignificant effect
6. Farmer Exemptions; Technical Corrections 53 <u>Fed.Reg.</u> 27164	Insignificant effect
7. Land Disposal Restrictions for First Third Scheduled Wastes 53 <u>Fed.Reg.</u> 31138	Moderate effect
8. Hazardous Waste Management Systems; Standards for Hazardous Waste Storage and Treatment Tank Systems 53 <u>Fed.Reg.</u> 34079	Minor effect
9. Identification and Listing of Hazardous Waste; Land Disposal Restrictions -- Administrative Stay 54 <u>Fed.Reg.</u> 4021	No effect
10. Land Disposal Restrictions 54 <u>Fed.Reg.</u> 8264	Insignificant effect
11. Land Disposal Restrictions Amendments to First Third Scheduled Wastes 54 <u>Fed.Reg.</u> 18836	Minor effect

12. Land Disposal Restrictions for Second
Third Scheduled Wastes
54 Fed.Reg. 26594 Moderate effect
13. Land Disposal Restrictions; Correction
for First Third Scheduled Wastes
54 Fed.Reg. 36967
55 Fed.Reg. 23935 Insignificant effect
14. Reportable Quantity Adjustment for
Methyl Bromide Production Wastes
54 Fed.Reg. 41402 Insignificant effect
15. Reportable Quantity Adjustment
54 Fed.Reg. 50968 Insignificant effect
16. Listing of 1,1-Dimethylhydrazine
Production Wastes
55 Fed.Reg. 18496 Insignificant effect
17. HSWA Codification Rule, Double
Liners; Correction
55 Fed.Reg. 19262 No effect
18. Land Disposal Restrictions for
Third Third Scheduled Wastes
55 Fed.Reg. 22520 Moderate effect
19. Organic Air Emission Standards for
Process Vents and Equipment Leaks
55 Fed.Reg. 25454 Major effect

Texas Water Commission

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