

Three Bills Filed to Ensure Clean Water Recharges the Edwards Aquifer

By Annalisa Peace, April 14, 2017

Senator José Menéndez, Representative Donna Howard, and Representative Tracy O. King have filed bills that many believe are needed to protect the quality of water in the Edwards Aquifer. [S.B. 1796](#) (Menéndez) / [H.B. 3036](#) (King of Uvalde) and [H.B. 3467](#) (Howard) would prohibit discharge of sewage effluent into waterways in the Edwards Aquifer Contributing Zone.

"Protecting the pristine streams in the Edwards Aquifer Contributing Zone for all landowners (users) is of the utmost importance and I am proud to author House Bill 3036," said Representative Tracy King, District 80.

Ranchers, landowners, [civic](#) and [conservation](#) groups from throughout the Texas Hill Country are joining forces to support this legislation to prohibit the practice of releasing treated sewage effluent into waterways that recharge the Edwards Aquifer.

Similar bills have been filed in past legislative sessions, including H.B. 595 (2009) by Representative David Leibowitz, S.B. 1099 (2009) and S.B. 853 (2011) filed by Senator Kirk Watson, and H.B. 3039 (2007) filed by Representative Patrick Rose. In the years since those bills were filed, applications for direct discharge permits in the Hill Country have proliferated.

There is a precedent in prohibition of direct discharge of sewage effluent - [Texas Pollution Discharge Elimination System](#) (TPDES) permits – specific to a geographic area. Under [state law](#) these permits cannot be issued for discharge into the Highland lakes.

Scientists opposed to this practice [cite concerns](#) about the inevitable process of [eutrophication](#) – an excess of nutrients, such as phosphorus, that ends up in creeks, producing an increase of microorganisms and algae and depressing oxygen. Such an outcome would be disastrous for the Edwards Aquifer, as several creeks and streams within Edwards Aquifer Contributing Zone (Nueces, Frio, Sabinal, Medina, Guadalupe, and Blanco rivers, and the Hondo, Cibolo, Barton, Onion, Helotes, Leon, and San Geronimo creeks, etc.) feed the Aquifer.

"We shouldn't dump sewage into our drinking water. It is hard to believe we need legislation for that, but we do, so I filed S.B. 1796." said José Menéndez, Texas State Senator, District 26.

John Dupnik, General Manager of the [Barton Springs/Edwards Aquifer Conservation District](#), further noted that, "This bill isn't for or against growth, it simply prohibits wastewater management practices that could be detrimental to the creeks and aquifers while encouraging re-use for other beneficial uses. This bill represents a sound public policy that promotes reuse where the wastewater is generated and needed and requires the risks be managed by the folks who produce the pollutants rather than pass them on to their downstream neighbors."

During the past ten years I have had to learn way more about sewage than I ever wanted to know. The [Greater Edwards Aquifer Alliance](#) (GEAA) has [partnered](#) with citizens in Comal, Medina, and Hays counties to protest applications for TPDES permits. In every case, our organization was approached to provide assistance to citizens opposed to issuance of permits that would have allowed millions of gallons of sewage effluent per day into Edwards waterways. Over the years, this has amounted to hundreds of citizens who were concerned about the negative impacts these discharges would have on their property values, their wells, and the recreational value of their Hill Country creeks and streams. These citizens have contribute their time and money to fight what they view as an unfair imposition on their property for the benefit of another party.

In 2007 an application that proposed to release treated effluent into the San Geronimo Creek, a prolific Edwards Aquifer recharge creek, [was opposed](#) by San Antonio Water System, the Greater Edwards Aquifer Alliance, the San Geronimo Valley Alliance, and landowners who still draw water from the San Geronimo. Additionally, both the SAWS Board of Directors and the City of San Antonio cited concerns about Hills of Castle Rock's plan to discharge into the San Geronimo Creek, and potential impacts to SAWS Edwards Aquifer supply wells, as among their reasons for denying SAWS water service to this subdivision.

"What about my property rights?" said Randy Johnson, President of the San Geronimo Valley Alliance, whose ranch was directly downstream of the proposed discharge point, "Discharging sewage into the San Geronimo could pollute this pristine Edwards recharge creek, making it unfit for swimming, drinking, or any use to me."

In 2008, TCEQ approved a permit for wastewater discharge from the [Belterra subdivision](#) in Hays County that allowed discharge of treated effluent from the subdivision into Bear Creek, a tributary of Onion Creek that recharges the Barton Spring segment of the Edwards. The Barton Springs Edwards Aquifer Conservation District and local governments opposed the permit and requested that TCEQ rules be changed to prohibit this practice, believing that it would result in degradation of the Aquifer, with one commissioner suggesting the matter would best be addressed by the Legislature.

More recently, citizens of [Hays and Travis County](#) have united to oppose a permit by the City of Dripping Springs to discharge 995,000 gallons/day into Onion Creek. Citizens of Comal County, contesting TPDES permits that would have allowed 1,220,000 gallons/day of effluent to flow into Cibolo Creek successfully negotiated settlements with developers to instead employ beneficial reuse of the sewage effluent within subdivisions located on [Dry Comal](#) and Lewis creeks.

This past week S.B. 1796 was heard before the [Senate Agriculture, Water & Rural Affairs Committee](#) and H.B. 3036 was heard in [House Committee on Environmental Regulations](#). Testimony supporting the bill came from ranchers from Real County, a vineyard owner from Comal County, landowners and a recreational camp along Onion creek, the [Nueces River Authority](#), and the [League of Women Voters of Texas](#), among others. Testimony and cards signed in support of the bills far surpassed the number of those opposed. Both bills are pending votes of the committees.

We were startled that the [Guadalupe Blanco River Authority](#) (GBRA), which supported H.B. 595 in 2009, testified against both bills on the grounds that they would like to reserve the right to increase their existing sewage discharge permits to allow for greater volumes. A troubling prospect, indeed.

As of today, 1,900 Texans have signed [a petition to support this legislation](#). Citizens in twenty-one counties have asked the Texas Legislature to prohibit the release of treated sewage effluent into creeks that recharge the Edwards Aquifer. We will be working very hard to get these bills passed during this session.

Resources:

[HB 3036 Bill Analysis](#)

[LWV Action Paper Water Quality in Edwards Aquifer 2017](#)

[HB 3036 Fact Sheet](#)

[GEAA S.B. 1796 Menéndez / H.B. 3467 Howard & H.B. 3036 King of Uvalde](#)

Annalisa Peace is executive director of the [Greater Edwards Aquifer Alliance](#), an alliance of fifty-two member organizations and thousands of citizens who advocate preservation of our water resources and the Texas Hill Country. GEAA pursues an extensive [legislative agenda](#) each session.

Map of Area Impacted by H.B. 3036

