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**Request for Coverage:** January 16, 2009

## **Rep. Leibowitz Files Bill to Prohibit Discharge of Treated Sewage Effluent into Edwards Aquifer Waterways**

State Representative David McQuade Leibowitz (District 117) late Tuesday filed a bill that many believe is much needed to protect the quality of water in the Edwards Aquifer. H.B. 595 states “The commission (Texas Commission on Environmental Quality-TCEQ) may not issue a new permit authorizing the discharge of sewage effluent directly into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.”

"I filed H.B. 595 because the 1.7 million Texans whose source of drinking water is the Edwards Aquifer should not have to worry about treated sewage contaminating their water," said Leibowitz. "In 2007, the Helotes debris fire contaminated wells near the aquifer when water was applied to the fire for just a few short days. Now, there's a proposal to pour up to **1 million gallons** of treated sewage **each day** into a creek that directly feeds the Edwards Aquifer. That's just unacceptable."

The Greater Edwards Aquifer Alliance, the Alamo Soil and Conservation District, the cities of San Antonio and Austin, the Barton Springs/Edwards Aquifer Conservation District, and many others have voiced support for legislation that would prohibit the practice of releasing treated sewage effluent into waterways that recharge the Edwards Aquifer.

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 the Onion Creek and Barton Creek watersheds (specifically Onion and Barton) and the San Antonio segment (San Geronimo, Helotes, Leon and others) feed the Aquifer.

In December 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. Despite the fact that the political jurisdictions that cover more than 95% of the affected watersheds supported the rules change, and despite nearly two years' worth of data, modeling, and analysis in the Belterra case, commissioners sided with the applicant and voted down the change, with one commissioner suggesting the matter would best be addressed by the Legislature.

A pending application by Baruch Properties for the Hills of Castle Rock subdivision proposes to release treated effluent into the San Geronimo Creek, a prolific Edwards Aquifer recharge creek. The San Geronimo Valley Alliance and landowners who still draw water from the San Geronimo have united to oppose the permit. “What about my property rights?” says Randy Johnson, President of the San Geronimo Valley Alliance, whose ranch is directly downstream of the proposed subdivision. “Discharging sewage into the San Geronimo could pollute this pristine Edwards recharge creek, making it unfit for swimming, drinking, or any use to me.”

A similar bill, H.B. 3039, was filed last session by Representative Patrick Rose to prohibit discharge of sewage effluent in Barton Springs/Edwards Aquifer Contributing Zone. The bill was referred to the House Natural Resources Committee, where it was left pending in committee. H.B. 595 differs from 2007 H.B. 3039 in that it includes the San Antonio segment of the Edwards Aquifer and is more specific in the language to assure that only discharge of treated sewage effluent is prohibited.

Annalisa Peace, Executive Director of the Greater Edwards Aquifer Alliance notes, "Supplies of fresh water are at a premium worldwide. Yet we here in Texas still allow projects that threaten to pollute our groundwater. 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 H.B. 595 passed during this session. This filthy practice has got to stop before it becomes widespread."

Kirk Holland, General Manager of the Barton Springs/Edwards Aquifer Conservation District, further noted that, "This bill isn't for or against residential development *per se*, it simply prohibits development that proposes to discharge residential wastewater directly to creeks that recharge a sole-source aquifer, rather than using land application of such treated wastewaters, as is successfully done throughout the Hill Country. This bill represents a sound public policy to foster more assured re-use of that water for local land irrigation that is required anyway, and to require the risks be borne and managed by the folks who produce the pollutants, rather than those many users downstream."