



Ms. Kris Hogan
MC 205, Office of Legal Services
Texas Commission of Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

July 30, 2019

Re: 2016-042-309-OW: Proposed Revisions to 30 TAC Chapters 222 and 309

Clean Water Action appreciates the opportunity to submit comments on proposed Amendments to Chapters 222 and 309 Relating to Beneficial Reuse Credits. Clean Water Action is a national non-profit organization founded in 1972 and operating in Texas since 1988. Our mission includes working to protect drinking water and the sources of our drinking water, and protecting aquatic ecosystems. We also work to promote water conservation strategies. Many of our Texas members have submitted comments to TCEQ in opposition to permits to discharge treated effluent into Hill Country waterways.

Clean Water Action supports the proposed revisions, as they will incentivize the beneficial use of reclaimed water and reduce the likelihood that treated effluent will be discharged into Hill Country waterways. These revisions will also help stretch scarce water supplies during a time of rapid population growth.

In particular, Clean Water Action supports these proposed changes:

Revisions to §222.83(e) and §309.24(d) that would maintain a disposal site area of at least 50% of the area required based on the permitted flow. This will help assure that treated effluent can be disposed of on land during times of low demand for recycled water rather than discharged into waterways.

Revisions to §222.127(c) and §309.24(e), prohibiting the reduction of effluent storage requirements. This will allow more effluent to be held during times of saturated soils rather than irrigated onto land that cannot assimilate it or discharged into waterways.

The new §309.25(b)(5) to require a permittee that is granted a beneficial reuse credit to have a contractual agreement to pump and haul unused treated effluent and requires the applicant to dispose of excess wastewater under the contractual agreement (under certain conditions). This will guarantee that a permittee has a plan in place to dispose of excess effluent and prevent its unauthorized discharge.

The new §309.25(c)(5) to require the permittee to submit their monthly effluent monitoring reports to the executive director. This will make monthly records on flow rates, irrigation volumes, and effluent quality available to the TCEQ and enable the public to access them, serving the interests of transparency and accountability.

Clean Water Action also urges that the proposed new §309.25(b)(6) to require a permittee who is granted a beneficial reuse credit to meet the effluent quality standards for Type II reclaimed water, as described in §210.33 (Quality Criteria and Specific Uses for Reclaimed Water) be **strengthened** by requiring nutrient loading standards similar to those for TLAP for all beneficial reuse to prevent potential for degradation of waterways downstream from effluent irrigation application areas.

Clean Water Action also urges that **minimum buffer standards be implemented** between irrigation and reuse areas, and riparian and aquifer recharge features to help protect water quality.

Finally, Clean Water Action urges that wastewater permits allowing beneficial reuse also require **robust surface water quality monitoring** downstream of the reuse areas in the interest of assuring non-degradation of waterways.

Respectfully,



David Foster
State Director
Clean Water Action / Clean Water Fund
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