

July 30, 2019

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

HILL COUNTRY ALLIANCE COMMENTS of SUPPORT to the TCEQ

Re: Rule Project Number 2016-042-309-OW: Amendments of Chapters 222 and 309 Relating to Beneficial Reuse Credits

Dear Ms. Hogan,

The Texas Commission on Environmental Quality (TCEQ) plays a critical role overseeing the health of our state's water quality, and the Hill Country Alliance is appreciative of the long-term effort that is involved in protecting this resource.

We would like to respectfully encourage the adoption of these proposed effluent discharge rule amendments to Chapters 222 and 309 (2016-042-309-OW).

Communities throughout the Hill Country are experiencing population growth that requires the acquisition of new water supplies while simultaneously increasing their effluent production. These communities are conscious of the economic benefit of keeping their rivers, streams, and aquifers clean. Those water resources provide critical drinking water, recharge aquifers that support countless groundwater wells, support agricultural and domestic uses, and provide recreational opportunities that equate to tourism dollars.

Given the immediate and future water needs of the State of Texas due to population increases and increasing demand on traditional sources, beneficial water reuse should be optimized and given full consideration as a viable resource; and, its use should be optimized in rule and in practice.

Given the value that fragile Hill Country creek ecosystems bring to real property and to the overall economy of the region, all possible steps to protect water clarity and health including these proposed rules changes should be put into effect.

Hill Country Alliance SUPPORTS the efforts of TCEQ to respond to increasing demands on water supplies and decreasing availability of tracts of land for domestic wastewater disposal by crafting rules amendments that will help prevent degradation of water quality from wastewater discharge and will promote beneficial reuse of water.

Hill Country Alliance SUPPORTS these proposed rules changes:

§222.83(e) and §309.24(d) to prohibit reducing the disposal site area by more than 50% of the area required based on the permitted flow.

- In order to protect against unauthorized discharge, this minimum 50% percentage of land must be available in case there is more reclaimed water available than can be reused.

§222.127(c) and §309.24(e) to prohibit the reduction of the required storage.

- In order to protect against unauthorized discharge, prohibition of reduced required storage is a critical safeguard.

§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).

- In order to protect against unauthorized discharge, this new rule would ensure certainty that the permittee is prepared to deal with excess reclaimed water.

§309.25(c)(5) to require the permittee to submit their monthly effluent monitoring reports to the executive director.

- Due to the economic importance of clean streamflow, monthly monitoring reports to the Executive Director are critical.

Hill Country Alliance recommends that the following proposed rule be STRENGTHENED:

§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).

- We support this rule requiring effluent limits to be incorporated into the permit process. However, we propose that **Type II effluent standards are not sufficient** to adequately protect surface water quality. **We ask that you strengthen this rule by requiring effluent standards that will not adversely impact sensitive creeks and streams, especially by minimizing discharge of nitrogen and phosphorus.**

WE FURTHER PROPOSE THE ADDITION OF RULES that require a minimum buffer zone between irrigation & reuse areas, and riparian & aquifer recharge features in order to protect ambient water quality.

In order to achieve the benefits inherent in these proposed rules changes, Hill Country Alliance respectfully encourages the TCEQ to incorporate the proposed effluent waste water rules changes as outlined.

Our comments reflect the collective vision of our Hill Country supporters, stakeholders, businesses and elected officials for the protection of the Hill Country's water resources for current and future generations. Thank you for your consideration of these comments. If you have questions or concerns, please contact me at (512) 694-1121.

Sincerely,

Charlie Flatten

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Hill Country Alliance
512.694.1121

CC: Matt Lara, Board President, HCA; Katherine Romans, Executive Director, HCA; Patricia Duron, Supervisor/Texas Register, TCEQ