



100 Commons Rd., Suite 7155, Dripping Springs, TX 78620

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

RE: POW Comments of Support for the TCEQ, Rule Project Number 2016-042-309-OW:
Amendments of Chapters 222 and 309 Relating to Beneficial Reuse Credits

Dear Ms. Hogan,

The mission of the Texas Commission on Environmental Quality's (TCEQ) to protect Texas' human and natural resources consistent with sustainable economic development has never been more challenging or more critical. Our Central Texas communities are growing exponentially – as is the volume of effluent being produced as a result of that growth.

Protect Our Water (POW) requests that TCEQ adopt proposed effluent discharge rule amendments to Chapters 222 and 309 (2016-042-309-OW).

The result of this unprecedented growth is that many of our Central Texas Communities are being forced to make major, costly improvements and enhancements to their existing infrastructure – particularly infrastructure related to their wastewater treatment operations. The rule changes being contemplated will motivate communities to maximize beneficial re-use. Effluent is an asset that can offset increasing demands on traditional sources. Promoting beneficial re-use (vs. discharges) will also help protect the health of our citizens, protect/preserve health of our natural resources and ultimately protect/preserve our fragile Central Texas creek ecosystems.

POW supports these proposed rule 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.

POW also respectfully asks the TCEQ to strengthen the following:

- §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). POW requests TCEQ require effluent standards that will not adversely impact sensitive creeks and stream, especially by minimizing discharge of nitrogen and phosphorus.

As noted in the Dripping Springs Discharge permitting process, groundwater studies conducted by the local groundwater districts (Barton Springs Edwards Aquifer Conservation District (BEACD) and Hays Trinity Groundwater Conservation District (HTGCD)) established a clear link between the surface waters of Onion Creek and our Aquifer. We believe many such links exist throughout the Texas Hill Country and this merits strong effluent standards to protect the health of our fragile surface and ground water.

Finally, we propose that TCEQ issue additional rules to require a minimum buffer zone between irrigation & reuse areas, and riparian & aquifer recharge features in order to protect ambient water quality.

Sincerely,

Richard Beggs, Jeff Shaw, and Wes Pitts
Board of Directors, Protect Our Water

CC: Sarah Faust, POW Legal Counsel