

Proposal: Support a bill relating to a restriction on permits authorizing direct discharges of wastewater or pollutants into water in certain stream segments, stream assessment units, and drainage areas.

Rationale: The Texas Commission on Environmental Quality's (TCEQ) current standards do not prevent the agency from issuing sewage discharge permits into pristine streams. There are currently no water quality standards for phosphorus in streams, and no technology is available to treat phosphorus in wastewater to the undetectable levels naturally present in the pristine streams. This legislation would prohibit TCEQ from issuing Texas Pollutant Discharge Elimination System permits to discharge treated wastewater effluent directly into qualifying pristine waterways. Qualifying waterways are Texas streams that have a naturally occurring level of phosphorus of 0.06 milligrams per liter or less, as measured in at least 75% of all water quality tests within the past 10 years. Only 40 streams of the over 2000 streams across Texas satisfy this standard, but they are vital to economic and recreational opportunities. They include streams like the Upper Frio River, the Llano River, the upper San Marcos River, and the Devils River.

Issue: The classified streams are considered pristine due to undetectable amounts of the nutrient phosphorus. Many of these streams are small, spring-fed, low-flow, and clear, and are ultrasensitive to the introduction of phosphorus-containing wastewater. They do not depend on treated wastewater discharge to supplement their baseflows, and because spring-fed, low-flow streams can be intermittent, there are times in which no dilution of the treated wastewater could occur. Treated sewage has high levels of phosphorus, which is created as a byproduct of the treatment process. Even the highest treated wastewater contains many times more phosphorus than is currently present in the covered streams. Phosphorus can degrade aquatic habitat and cause algae blooms, which can prove toxic to fish, wildlife, and pets. When the streams are polluted with algae, landowners can lose property value, recreational businesses can lose income, and local governments can take on the costs of health impacts to pets and wildlife.

Wastewater discharge into certain streams in Texas is already prohibited due to its impacts on water quality. Wastewater disposal into waterways within 10 stream miles of the Highland Lakes or over the Edwards Aquifer Recharge Zone is prohibited. These water supplies have higher water quality than many other Texas supplies. It is just as urgent that the classified pristine streams are also protected by wastewater disposal prohibitions. Some of the classified pristine streams eventually flow into the Edwards Aquifer Recharge Zone; if they become degraded, so too does the water supply on which nearly 2 million Texans depend.

Benefits:

- The bill would protect around 2,000 miles of waterways across 40 Texas streams, less than 2% of stream segments in Texas.
- Protecting pristine streams can protect the value of ranches, parks, recreational and tourism businesses, and local communities through which the streams flow; high water quality materially adds to the values of these investments.
- The list of stream segments covered will be based on robust sampling of reliable TCEQ quality-assured total phosphorus data, will be fixed on September 1, 2025, and will not be expanded. It will only focus on keeping these specific stream segments free from wastewater discharge and does not propose future regulation of phosphorus.
- Keeping wastewater out of these pristine streams will not deplete necessary water supply to large cities and industries.
- Applicants would still be able to use other methods for disposing of their treated sewage – onsite septic, land irrigation, beneficial reuse, or connecting to a municipal sewage system.
- Prohibiting wastewater disposal into these streams would not hamper development in these areas; growth in the Highland Lakes and Edwards Aquifer Recharge Zone regions has continued even with similar prohibitions.
- The bill would provide developers with much-needed clarity as to where permits will and will not be issued, helping developers avoid expensive, unpredictable, and lengthy contested TCEQ permit cases.