

State of Texas
House of Representatives



VALINDA BOLTON
DISTRICT 47

November 3, 2009

To: Governor Rick Perry
P.O. Box 12428
Austin, Texas 78711

From: The Honorable Valinda Bolton

Re: TCEQ Docket No. 2009-1586-RUL. Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20 Rulemaking.

Dear Governor Perry,

I have serious concerns regarding the Petition for Rulemaking (Docket #2009-1586 RUL) filed with TCEQ by the cities of Leander and Granite Shoals. Given the threat to our water supply posed by the current draught, I can understand how it might *seem* to make sense to reclaim wastewater and return it to the lake. However, the amount of water that would be returned would have *no* significant impact on the lake level, but would significantly impact its quality. Simply put, the addition of high nutrient effluent into the lakes of Texas is a recipe for disaster.

The existing rules that ban the direct discharge of wastewater into the Highland Lakes were passed by TCEQ in 1983, after then-Governor White appointed a select committee to assess the water quality of Lakes Austin and Travis. The committee found that while the water quality in the lakes was generally good, degradation was occurring due to the water's fragile chemical balance. Of the various types of potential pollution affecting the lakes (urban runoff, boats and marinas, sewage treatment plants, etc.), the easiest to regulate is, by far, the discharge of wastewater. Thus, the committee recommended that existing treatment plants be allowed to continue to discharge at their 1983 levels while banning any future direct discharge by existing or newly constructed plants.

Since then, it is unlikely that the delicate ecology of the lakes has changed significantly enough to allow for additional discharges. While effluent from treatment plants is mostly free from bacteria associated with wastewater, it does contain high levels of nutrients like phosphorus, nitrogen, oxygen, and carbon. These nutrients cause algae blooms that result in dark, turbid water and can destroy native plant and animal life.

The global economic downturn has already affected the small businesses surrounding Lake Travis and the drought has further increased their vulnerability to closure. While these are conditions outside of our control, we *can* control the discharge of effluent into the lake that would further damage the ability of lakeside businesses and the ancillary businesses that support

them to operate. If we truly believe that small business is the engine that drives our economy, then for that, if no other reason, the above referenced petition should be denied.

I understand that the Cities of Leander and Granite Shoals have their own constituencies to whom they are accountable and I am sure their request for the rule change is meant to serve their citizens' needs. Their desire to plan and implement a centralized sewage system for the city seems reasonable, but there is no guarantee that citizens who currently utilize individual septic systems would be willing to change over to the city system. Without a central system, it is unlikely that a new treatment plant with discharge capabilities would be necessary. Even with a centralized system, there are alternative wastewater disposal options that do not put the water quality of the lakes at risk, including irrigation and land disposal following secondary treatment, which is allowed anywhere within the watershed.

As the drought threatens both our water supply and the many businesses dependent upon Lake Travis and the other Highland Lakes, it is becoming increasingly necessary to safeguard the quantity and quality of the water we have.

As the state representative for many of the communities surrounding Lake Travis, it is my duty to protect the environmental and economic well-being of my constituents. I cannot in good faith agree with a plan that has the potential to damage the lives and livelihoods of so many of my constituents.

Resolutions against the petition to lift the ban on effluent discharge into Lake Travis have been passed by the City of Lakeway, the City of Austin, the Village of Volente, Travis County Commissioner's Court, Lakeway MUD, the Lower Colorado River Authority, WCID #17, and the Lake Travis Chamber of Commerce.

On behalf of my constituents I ask that you consider my concerns and share them with the TCEQ Commissioners. I hope you will join me in protecting our vital water resources by advising the TCEQ Board of Commissioners to deny this petition.

Sincerely,

A handwritten signature in black ink that reads "Valinda Bolton". The signature is written in a cursive, flowing style.

Valinda Bolton

VB/eh