

**Resolution No. 2009-10-19-01**

**A RESOLUTION OF THE CITY OF LAKEWAY, TEXAS  
OPPOSING CHANGES TO THE TCEQ PROHIBITION AGAINST  
DISCHARGING EFFLUENT INTO THE HIGHLAND LAKES**

WHEREAS, in 1984, the Texas Commission on Environmental Quality (TCEQ) established a rule in 30 TAC Chapter 311 prohibiting wastewater utilities surrounding the Highland Lakes from discharging effluent into the lakes; and

WHEREAS, the citizens of the City of Lakeway have benefitted from the protection afforded by this rule with regard to their health, their property values, and their recreational interests; and

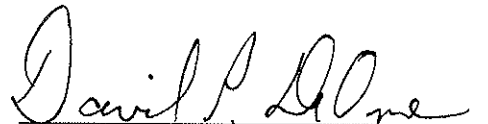
WHEREAS, there are numerous businesses within the City of Lakeway which would be adversely impacted by any reduction in recreational use of Lake Travis caused by decreased water quality; and

WHEREAS, the City of Lakeway recognizes the potential negative impact on residential and commercial property values, and on the City's ad valorem tax and sales tax revenue streams which could result from the degradation of the water in Lake Travis:

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKEWAY, TEXAS:

That the City of Lakeway opposes any change to the TCEQ "No Discharge" rule and that the City of Lakeway supports the continuation of that rule as protection for the quality of the drinking water used by its citizens; as protection for the important role that water recreation plays in the local economy; and as protection for the natural resources which contribute heavily to the City's historically high property values and exemplary quality of life.

PASSED AND APPROVED this 19<sup>th</sup> day of October, 2009.

  
David P. DeOme, Mayor

ATTEST:

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Christy Fath, City Secretary



Meeting Date: October 19, 2009

Chessie Blanchard, DCM

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## **Staff Report: Resolution Opposing Changes to the TCEQ “No Discharge” Rule**

### **Background Information**

In late September, the cities of Leander and Granite Shoals filed a petition with the Texas Commission on Environmental Quality requesting that the regulatory agency end its prohibition against discharging treated effluent into the Highland Lakes.

For both cities, the request appears to be predicated by the expense associated with other methods of effluent disposal. In order to develop new areas located in Travis County, the City of Leander must transport the effluent across town to Brushy Creek or use land-application methods such as drip or spray irrigation. The City of Granite Shoals, located on Lake LBJ, commissioned a study which indicates that costs associated with developing a land-application system are \$4 million greater than those associated with discharging effluent into the lake.

The City of Lakeway respects the right of landowners to develop their property and appreciates the municipalities’ responsibility to be fiscally conservative when planning for infrastructure to accommodate growth. Investigating the reuse of treated effluent as a resource is a viable means of addressing water scarcity. However, as explained below, studies forecast that this proposed change will negatively impact the quality of the Lake Travis resource and thus property values and quality of life in Lakeway.

Treated effluent, though “cleaner” than lake water in many ways, contains higher concentrations of two key elements: nitrogen and phosphorous. The Lower Colorado River Authority recently completed a computer modeling study called CREMS (Colorado River Environmental Models). Among other objectives, the study “predict[s] the consequences of various decisions and actions on the Highland Lakes, lower Colorado River, and tributaries.” The scenarios that include allowing the discharge of treated effluent into the Highland Lakes predict significant increases in algae growth, which means decreased quality of the resource for recreational use and drinking water supplies. According to the Texas Water Conservation Association, even a minor concentration of chlorophyll results in a negative impact on recreational users.

Degradation of the Lake Travis resource impacts the City in two appreciable ways. First, while not specifically quantified, it is clear that property values in the City are positively impacted by the accessibility and quality of the lake. Lake Travis is well known as being one of the clearest lakes in the state, with an average clarity of 13.5 feet deep. Second, the City historically benefits from recreational lake use in the form of increased sales tax revenues during the summer season (see attached chart). Decreases in the quality of this invaluable resource will negatively affect both property values and sales tax revenue.

Public wastewater treatment systems that rely on land-application methods of disposal are land-intensive and costly. Utility customers who reside in the areas impacted by the TCEQ rule recognize not only that this cost is reflected in slightly elevated wastewater rates, but also that these methods result in preservation of open space, enhanced quality of life, and protection of natural resources. Widespread use of land-application methods combined with elevated property values has generally helped to prevent overdevelopment of the unincorporated areas around Lake Travis. Lifting the ban on effluent discharge into the Highland Lakes would dramatically increase the potential for dense development in this environmentally sensitive area. Such development translates to further degradation of natural resources, increased strain on already overburdened infrastructure systems, and negative impact on the Lakeway quality of life.

**Recommendation**

Until it can be proven that allowing the discharge of treated effluent into the Highland Lakes has no negative impact on the quality of the resource, the City of Lakeway should support the LCRA, Protect Lake Travis Association, the City of Austin and others in opposing this petition.