



NATIONAL WILDLIFE FEDERATION

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October 29, 2009

Office of the Chief Clerk
TCEQ , MC 105
P. O. Box 13087
Austin, TX 78711-3087

Re: Docket No. 2009-1586-RUL

Dear Ms. Castanuela:

The National Wildlife Federation opposes the granting of the above-referenced Petition for Rulemaking, which proposes the repeal of the watershed rules applicable to the Highland Lakes, because the protections provided by the existing rules are necessary to the protection of water quality in the Highland Lakes. The Petition should be denied. The National Wildlife Federation has long been active in advocating for protection of water quality in Texas on behalf of approximately 50,000 members in Texas, including through active participation in TCEQ stakeholder processes related to water quality issues.

The watershed rules are still needed because the Texas Commission on Environmental Quality (TCEQ) has not yet developed the types of numerical nutrient water quality standards and other comprehensive water quality standards necessary to govern wastewater discharges into the sensitive watersheds of the Highland Lakes in the absence of the watershed rules. The current watershed protection rules recognize the high water quality and high vulnerability to water quality degradation of the Highland Lakes. In the absence of sufficiently comprehensive, specific water quality standards, the current prohibitions and limitations on such discharges, as found in 30 TAC Chapter 311, Subchapters A, B, and F, should remain in effect.

If adequately protective comprehensive standards, including numerical nutrient standards specific to the Highland Lakes, were adopted and implemented, there would be a reasonable basis for considering whether the continued application of the watershed rules for the Highland Lakes was necessary. That simply is not the case at this time. There has been no showing that the generally applicable water quality standards currently in effect are sufficient to take the place of the watershed rules. They are not. The watershed rules were adopted to provide extra protection for these sensitive waters. TCEQ still has much work to do in adopting and implementing numerical water quality standards for nutrients in the Highland Lakes, particularly numerical standards adequate to ensure protection for individual arms and coves of those Lakes. At minimum, the Petition should be denied without further consideration until such time as comprehensive and adequately protective numerical nutrient water quality standards have been

adopted for the Highland Lakes. At least at the current time, the watershed rules are still needed to protect the water quality in the Highland Lakes.

The Petition should also be denied because the repeal of the rules is not justified on other grounds. The watershed rules do not, as claimed in the Petition, prevent entities around the Highland Lakes from reusing wastewater or otherwise making efficient use of water. The Petition seeks to equate a prohibition on discharges of wastewater with a failure to recognize the value of treated wastewater as a water supply resource. That is a flawed premise.

The National Wildlife Federation is a strong proponent of improved water use efficiency and readily acknowledges the value of adequately treated wastewater as an important water supply resource. However, an acknowledgement that treated effluent has significant value does not lead to a conclusion that the current prohibition on wastewater discharges to the Highland Lakes is inappropriate. Wastewater should be reused in a way that does not unnecessarily harm water quality. As demonstrated by the success of the Lakeway Municipal Utility District, substantial wastewater reuse can be achieved while complying with the current watershed rules. It may be appropriate to consider additional measures to facilitate more direct reuse of treated wastewater consistent with strong protections for water quality. However, it is not necessary to sacrifice water quality protection by repealing the watershed rules in order to use water more efficiently.

Accordingly, the National Wildlife Federation urges the Commission to reject the petition for rulemaking.

Sincerely,

Myron J. Hess
Manager, Texas Water Programs/Counsel



October 29, 2009

Office of Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Docket No. 2009-1586-RUL

Dear Ms. Castanuela,

The Sierra Club opposes the Petition for Rulemaking seeking to repeal 30 TAC Chapter 311, Subchapters A, B, and F (Docket No. 2009-1586-RUL) and respectfully requests that the Commission deny this request for rulemaking.

The water quality of the Highland Lakes is considered to be good to excellent. The Sierra Club is concerned that allowing discharges into the Highland Lakes could compromise water quality and adversely effect people who recreate in, live around and rely on drinking water from the Highland Lakes.

According to the Lower Colorado River Authority discharged water, although treated, would still contain elevated levels of nitrogen and phosphorus over what is currently in the water in the Highland Lakes. These nutrients would lead to increased algae and a decrease in water clarity. According to LCRA, if all existing wastewater facilities were allowed to discharge their permitted volumes, then chlorophyll levels near Mansfield Dam would likely increase by 40 percent.

If the Discharge Ban is repealed, it would create an incentive for construction of more wastewater treatment plants that would in turn discharge even more effluent to the Highland Lakes. As indicated in the rulemaking petition there is currently a disincentive to construct new wastewater treatment facilities du to the fact that disposal of the effluent is expensive.

This is not an issue of enhancing water supplies. Allowing direct discharge of treated effluent into the Highland Lakes will not appreciably increase the amount of water available to users in Central Texas. In fact, if all wastewater that is currently treated was deposited into the Highland Lakes the total amount of water available would only increase by a negligible amount. The "benefit" of any increased water supplies is outweighed by the risk to public health and of water quality degradation.

The Sierra Club has over 22,000 members in Texas. Our mission is to explore, protect and enjoy the environment. Thank you for the opportunity to provide comments on this important matter.

Sincerely,

Jennifer Walker
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