

**A RESOLUTION OF TRAVIS COUNTY  
COMMISSIONERS COURT**

**A RESOLUTION OPPOSING THE PETITION FOR RULE MAKING SUBMITTED BY  
THE CITY OF LEANDER AND CITY OF GRANITE SHOALS TO THE TEXAS  
COMMISSION ON ENVIRONMENTAL QUALITY TO REPEAL SUBCHAPTERS A, B,  
AND F OF TITLE 30 TEXAS ADMINISTRATIVE CODE CHAPTER 311.**

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) established a rule in 1986 and later amendments that municipal wastewater treatment facilities may not discharge treated effluent into Lake Travis, Lake Austin, and tributaries of these reservoirs;

WHEREAS, the citizens of Travis County have benefitted from the protection afforded by this rule, including the outstanding water quality of these reservoirs and tributary streams, and with regard to their health, property values, and their recreational interests;

WHEREAS, the Lower Colorado River Authority prepared the Colorado River Environmental Model Study (CREMS) in 2009, which predicts adverse effects on surface water quality of Lake Travis if wastewater discharges are allowed;

WHEREAS, the petition does not demonstrate that a repeal of this rule could prevent significant water quality degradation in Lake Travis, Lake Austin, and tributaries of these reservoirs; and

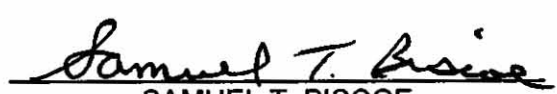
WHEREAS, the 2007 Texas Water Plan established water conservation strategies that are much more effective and beneficial in achieving our region's future water needs than the petitioner's proposal to add wastewater effluent into the Highland Lakes system.

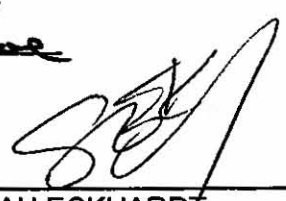
WHEREAS, Travis County recognizes the potential threat to all Lake Travis area residential and commercial property values, which could result from the degradation of water quality in Lake Travis.

NOW, THEREFORE, BE IT RESOLVED BY THE TRAVIS COUNTY COMMISSIONERS COURT THAT:

- 1) THE TRAVIS COUNTY COMMISSIONERS COURT OPPOSE ANY CHANGE TO REPEAL SUBCHAPTERS A, B, AND F OF TITLE 30 TEXAS ADMINISTRATIVE CODE CHAPTER 311;
- 2) THE TRAVIS COUNTY COMMISSIONERS COURT SUPPORT THE CONTINUATION OF SUBCHAPTERS A, B, AND F OF TITLE 30 TEXAS ADMINISTRATIVE CODE AS PROTECTION FOR NATURAL RESOURCES WHICH CONTRIBUTE TO TRAVIS COUNTY'S PROPERTY VALUES AND QUALITY OF LIFE.

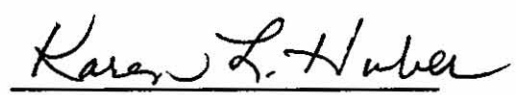
SIGNED AND ENTERED THIS 27<sup>th</sup> DAY OF October, 2009.

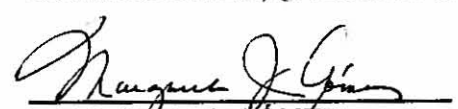
  
 SAMUEL T. BISCOE  
 COUNTY JUDGE



\_\_\_\_\_  
 RON DAVIS  
 COMMISSIONER, PRECINCT 1

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 SARAH ECKHARDT  
 COMMISSIONER, PRECINCT 2

  
 KAREN L. HUBER  
 COMMISSIONER, PRECINCT 3

  
 MARGARET J. GÓMEZ  
 COMMISSIONER, PRECINCT 4

**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

NATURAL RESOURCES & ENVIRONMENTAL QUALITY

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**AGENDA ITEM #**  
**October 27, 2009**

October 21, 2009

**REVISED MEMORANDUM**

**TO:** Members of the Commissioner's Court

**FROM:** Joseph P. Gieselman, Executive Manager, TNR

**SUBJECT:** Petition to Repeal of Highland Lakes Waste Discharge Ban

**Proposed Motion:** CONSIDER ADOPTION OF A RESOLUTION IN OPPOSITION TO A PETITION FOR RULE MAKING THAT WOULD REPEAL TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REGULATIONS IN TITLE 30 TEXAS ADMINISTRATIVE CODE CHAPTER 311, THAT CURRENTLY PROHIBIT WASTE DISCHARGES INTO LAKE AUSTIN, LAKE TRAVIS, AND WATERSHEDS OF BOTH RESERVOIRS.

**Summary and Staff Recommendations:**

Staff recommends that the Commissioners Court adopt a resolution opposing the petition by the cities of Leander and Granite Shoals for rule making to repeal the wastewater discharge ban established for Lake Travis, Lake Austin, and watersheds of both reservoirs. The petition could be considered by the TCEQ as early as November 18, 2009. The petition should be denied for lack of a reasoned justification for eliminating this significant safeguard in TCEQ rules and practice.

Additionally, staff recommends a Commissioners Court Resolution recommend the TCEQ **not** initiate a rule making at this time. The petition provides no demonstration that a lifting of the discharge ban could prevent water quality degradation of Lake Travis, Lake Austin, upstream reservoirs, and tributary streams and rivers (for example, the Pedernales River, Sandy Creek, Hamilton Creek, Bee Creek, Bull Creek, Hurst Creek, Cow Creek) that are also currently protected by the discharge ban.

It is further recommended that if the TCEQ Commission is inclined to review the possibility of adjusting the discharge ban, a technically-based committee of scientific experts, inclusive of local experts, be convened to review if there are any variables that could allow discharges without degradation. Considerations could include the stringency of wastewater effluent sets, distance from the reservoirs, discharge prohibitions retained for certain streams, and maximum discharge flow/day.

Finally, it is recommended that a resolution clearly communicate that lifting the ban is unnecessary to achieve the water supply needs for Travis County and the region. A proposed resolution on this matter is attached.

### **Background:**

Title 30, Texas Administrative Code (TAC) Chapter 311, Subchapter A, was adopted by the predecessor agency to TCEQ and became effective on October 20, 1986. These rules prohibited the discharge of pollutants into the Lake Austin and Lake Travis watersheds, defined as within 10 stream miles of the normal pool elevation of these reservoirs. Other rules in Subchapters B and F address pollutant discharges into four upstream reservoirs outside of Travis County. The prohibition excludes treatment facilities that were permitted prior to the rule and amendments to the rule later exempted from the prohibition discharges of storm water and certain “low pollutant potential” industrial discharges.

Since the time of the rule, sewage treatment facilities in these watersheds have been permitted to require land application of wastewater effluent without discharge to surface waters. Effluent is used to irrigate golf courses, crops, hay, and even Ashe Juniper. The cities of Leander and Granite Shoals filed a petition for rule making with the TCEQ on Sep. 25, 2009, requesting the complete repeal of Chapter 311, Subchapters A, B, & F. The principal arguments in support of the petition are to further water conservation and to advocate that sewage treatment technology is now advanced enough to allow for discharges into the streams and reservoirs of these watersheds. Concerns with the cost of land application are described. A copy of the petition is attached to this memorandum.

### **Issues and Opportunities:**

The petitioners do not describe the impact of surface water discharges on Lake Travis, Lake Austin, and tributary surface water quality and how it would affect the water quality uses established by the TCEQ. Pollutant loads in treated sewage affecting these uses include *E. coli*, nutrients like plant-available phosphorus and nitrogen compounds, and biochemical oxygen demand. Conversely, earlier in 2009, LCRA prepared the “Colorado River Environmental Model Study” or CREMS, which predicted water quality threats to Lake Travis if wastewater effluent discharges were to occur. LCRA findings show Lake Travis has very limited ability to further process nutrients and projects an increase in chlorophyll at Hurst Cove and near both Arkansas Bend and Mansfield Dam. Model scenarios by LCRA assumed advanced sewage treatment with effluent quality of 5 mg/l carbonaceous biochemical oxygen demand and 0.15 mg/l total phosphorus.

The petition is misleading and suggests additional water discharges into the reservoir system would provide a significant yield to help area water demands. In fact, it is a negligible increase

relative to future water savings and overall system storage. LCRA indicated that 8000 acre-feet/year (afy) would be added if **all** wastewater currently land applied was discharged to the six reservoirs. This would provide only 0.4% to the total storage of the system of 2 million afy. By contrast, the adopted 2007 Texas Water Plan recommended a management strategy of water conservation in Region K. Conservation of approx. 11,000 afy is established for 2010, increasing to approx. 130,000 afy by 2020 and 190,000 afy by 2060. It is clear that there are much more effective management strategies to help our region meet water demands, without a repeal of these rules, and without potential threats to our Hill Country stream and reservoir water quality.

**Required Authorizations:**

County Attorney's Office

Attachments:

1. Proposed Commissioners Court Resolution
2. September 25, 2009 Petition for Rule Making by the City of Leander and City of Granite Shoals

**cc:** Christopher Gilmore, County Attorney's Office  
Jon A. White, NREQ Division Director  
Thomas Weber, Environmental Quality Program Manager