

**SUBCHAPTER F: LAKES LYNDON B. JOHNSON AND
MARBLE FALLS WATER QUALITY
§§311.51 - 311.56
Effective December 7, 2000**

§311.51. Definitions.

The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise:

(1) **"Lake Lyndon B. Johnson Water Quality Area"** - Those portions of the Lake Lyndon B. Johnson Watershed within ten stream miles of the pool level of Lake Lyndon B. Johnson (825 feet, mean sea level).

(2) **"Lake Lyndon B. Johnson Watershed"** - Lake Lyndon B. Johnson and its tributaries located between Alvin Wirtz Dam and Roy Inks Dam.

(3) **"Lake Marble Falls Water Quality Area"** - Those portions of the Lake Marble Falls Watershed within ten stream miles of the pool elevation of Lake Marble Falls (738 feet, mean sea level).

(4) **"Lake Marble Falls Watershed"** - Lake Marble Falls and its tributaries located between Max Starcke Dam and Alvin Wirtz Dam.

§311.52. No Discharge of Pollutants.

There shall be no discharge of pollutants into or adjacent to waters of the state within the Lake Lyndon B. Johnson Water Quality Area or the Lake Marble Falls Water Quality Area, except as provided in this subchapter.

§311.53. Wastewater Disposal.

Any proposed sewage treatment facility in the Lake Lyndon B. Johnson or Lake Marble Falls Water Quality Area will be required to provide secondary treatment in accordance with one of the following options:

(1) The treatment facility will provide treatment as specified in Effluent Sets 2 and A in §309.4 of this title (relating to Table 1, Effluent Standards for Domestic Wastewater Treatment Plants) prior to discharge into on-channel ponds. Such ponds will be designed, constructed, and operated to meet standards established on a case-by-case basis that will assure that any overflows of treated effluent occur only when the volume of effluent to stormwater in the pond is less than or equal to 1:10. For the purposes of this paragraph and calculation, effluent does not include any amounts of stormwater runoff, but only the amount of wastewater discharge from the plant. Standards will include, but are not limited to, a minimum pond size requirement based

on hydrological studies of the drainage area of the pond and allowable irrigation rates as determined in accordance with §317.10(c) of this title (relating to Appendix B -- Land Disposal of Sewage Effluent); or

(2) the treatment facility will provide secondary treatment as specified in §§309.1-309.4 of this title (relating to Introduction and Purpose; Rationale for Effluent Sets; Application of Effluent Sets; and Table 1, Effluent Standards for Domestic Wastewater Treatment Plants) prior to discharge into storage ponds for land disposal. Storage ponds and land disposal practices will be designed, constructed and operated in accordance with §317.10(c) of this title (relating to Appendix B -- Land Disposal of Sewage Effluent).

§311.54. Existing Facilities in Water Quality Areas.

(a) Any currently permitted treatment facility in the Lake Lyndon B. Johnson or Lake Marble Falls Water Quality Areas may continue operation in accordance with the terms and conditions of the existing permit for the facility and can apply for renewal of the permit unless the facility becomes substantially noncompliant or an expansion of the treatment facility is included in the application for renewal.

(b) Any modification of a facility described in subsection (a) of this section that requires a permit amendment and which results in additional treatment capacity will also require treatment as described in §311.53 of this title (relating to Wastewater Disposal) for the total wastewater flow from the permitted facility.

(c) Any permitted facility not meeting its permit limitations because of overloading of sewage will be subject to amendment as described in §305.62 of this title (relating to Amendment) in order to impose permit limitations consistent with §311.53 of this title (relating to Wastewater Disposal).

(d) The commission may consider any application for a new facility or for expansion of an existing facility that has been received by the commission and declared administratively complete as of November 1, 1986, after notice and an opportunity for hearing has been extended to all affected parties as required under §§305.91-305.105 of this title (relating to Actions, Notice and Hearing). However, the commission's decision on any application considered under this subsection shall not be constrained, in any manner, by the provisions of this subsection.

§311.55. Lake Lyndon B. Johnson and Lake Marble Falls Watershed Management.

Any proposed new or expanded treatment facility in the Lake Lyndon B. Johnson or Lake Marble Falls Watersheds but outside the Lake Lyndon B. Johnson and Lake Marble Falls Water Quality Areas may be permitted only if it provides disposal without discharge in accordance with §311.53 of this title (relating to Wastewater Disposal) or if the applicant establishes that any alternative proposed wastewater treatment and disposal will consistently protect and maintain the existing water quality of Lake Lyndon B. Johnson and Lake Marble Falls.

§311.56. Allowable Storm Water Runoff and Certain Non-Storm Water Discharges.

(a) The following discharges of storm water runoff into or adjacent to water in the state may be authorized by a Texas pollutant discharge elimination system (TPDES) permit or a national pollutant discharge elimination system (NPDES) permit:

- (1) storm water runoff from industrial facilities;
- (2) storm water runoff from municipal separate storm sewer systems; and
- (3) storm water runoff from construction activities.

(b) The following non-storm water discharges into or adjacent to water in the state may be authorized by a TPDES permit or a NPDES permit:

- (1) discharges from fire fighting activities;
- (2) discharges from fire hydrant flushings;
- (3) discharges from potable water sources, including drinking fountain water and water line flushings;
- (4) discharges from uncontaminated air conditioning or compressor condensate;
- (5) discharges from lawn watering and similar irrigation drainage;
- (6) discharges from pavement wash down without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);
- (7) discharges from a routine external building wash down that do not use detergents or other compounds;
- (8) discharges from uncontaminated groundwater or spring water;
- (9) discharges from foundation or footing drains where flows are not contaminated with process materials such as solvents;
- (10) discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray down waters and no chemicals are applied to the wood during storage; and
- (11) discharges of storm water or groundwater seepage from mine dewatering activities at construction sand and gravel, industrial sand, or crushed stone mining facilities.

(c) Nothing in this subchapter is intended to restrict the powers of the commission or any other governmental entity to prevent, correct, or curtail activities that result or may result in pollution in the water quality area. In addition to the rules of the commission, a TPDES permit applicant may also be required to comply with local pollution control ordinances and regulations.

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