



City of Leander, Texas



February 6, 2009

Ms. Beth Seaton (MC 145)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
TCEQ
WATER QUALITY DIV.
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Re: TCEQ Docket No. 2008-1601-RUL; Rule Project 2009-002-PET-NR

Dear Ms. Seaton:

This letter is submitted on behalf of the City of Leander (the "City") in response to the above-referenced matter. Specifically, this letter is submitted to comment on the policies and issues discussed during the stakeholder meeting held on January 16, 2009 to consider the Petition for Rulemaking (the "Petition") that was filed by Barton Springs/Edwards Aquifer Conservation District and the City of Austin on or about October 1, 2008 to amend 30 TEX. ADMIN. CODE Chapter 311. While the Petition does not affect the City directly, the policy implications for such a proposed rule change do affect the City and dozens of other cities along the Highland Lakes in Central Texas.

The State of Texas has limited fresh water supplies. Many of our existing fresh water supplies were constructed years ago with great foresight from past leaders. These supplies were envisioned to meet the future demands of Texans for many years to come. Given the fact that we have limited fresh water supplies, we must consider how best to utilize these supplies and promote good public policy. The use of reclaimed water, also known as "reuse," is a water management strategy that has been identified by the Texas Water Development Board as a means of furthering existing supplies. Reuse can be either direct -- *i.e.*, flanged from a reclaimed water production facility, or indirect -- *i.e.*, discharged into a stream for subsequent instream or diversion purposes. Reuse has been occurring around the state, and the country for that matter, for a number of years, and it is an effective way of further extending the use of existing water supplies.

The concept identified in the Petition, and as was discussed during the stakeholder meeting referenced, does not seek to promote reuse. Indeed, prohibiting the discharge of reclaimed water is clearly contrary to the concept of indirect reuse. Texas streams and rivers have recognized a benefit throughout the years from the provision of reclaimed water. Reclaimed water, regulated under the federal Clean Water Act, and the correlative state laws, is a valuable resource that must not be confused with waste. Technological and regulatory provisions can be provided to address concerns regarding the use of reclaimed water. Ignoring this fact and outright prohibiting discharges, as is currently done with the Highland Lakes, is simply bad public policy.

Right now Lake Travis is operating at historically low levels. The Colorado River Basin is in a significant drought and the forecast from experts is that there is little hope in sight. All the while, there are thousands of acre-feet of reclaimed water being discharged onto cedar irrigation tracts or golf courses, created for the purpose of addressing a discharge prohibition such as the one being proposed by the Petition. Moreover, given that there is no incentive to provide for centralized collection of raw sewage along the Highland Lakes, thousands of septic systems have been installed, many without proper maintenance and oversight.

As noted, the City does not have a direct interest in the geographical area proposed by the Petition. However, the policy underlying the Petition, which is that reclaimed water is a waste, not a resource, is simply without merit. The majority of the State of Texas has already recognized and implemented many water supply projects that promote indirect reuse. The Dallas-Fort Worth area has been a leader in this arena promoting environmentally friendly projects that have created hundreds of thousands of acre-feet of water supplies that would not otherwise exist. These supplies benefit both water purveyors and the aquatic environment by virtue of maintaining instream flows.

The City would urge the TCEQ to carefully consider the Petition and exercise sound judgment as it relates to the utilization of existing water supplies. Such action is needed to ensure that existing supplies are used in the most efficient and conservation-oriented manner.

We appreciate the opportunity to provide these comments and look forward to addressing any questions that you may have.

Sincerely,



Anthony Johnson
City Manager