TRANSPORTATION AND NATURAL RESOURCES
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April 26, 2016

Bryan W. Shaw, Ph.D., P.E., Chairman
Texas Commission on Environmental Quality, MC 100
P.O. Box 13087
Austin, TX 78711-3087

Re: City of Austin Rule Making Petition

Dear Chairman Shaw:

I am writing to urge your favorable consideration of the City of Austin rule-making petition proposing to modify Chapter 222 and Chapter 309 (Title 30, Texas Administrative Code), relating to wastewater effluent disposal via land application.

Rapid population growth in Travis County has not only put increasing pressure on wastewater treatment facilities to expand capacity, but the growth also increases demand on already limited potable water supplies. As described in the 2012 State Water Plan, Texas faces an immediate need for 3.6 million acre-feet/year of additional water in the event of a severe drought, and is projected to need an additional 8.3 million acre-feet/year of additional water supplies by 2060. Economic losses from not meeting water supply needs could be as much as $115.7 billion each year by 2060 with the potential loss of more than one million jobs.

Expanding or creating new wastewater effluent land application facilities is becoming increasingly difficult as the cost of land continues to dramatically rise in the face of our expanding population. As estimated by Texas A&M University's Institute of Renewable Natural Resources, the market value of Hill Country land was estimated to be on average $2,127/acre in 1997, but by 2012 rose to $6,830/acre.

Many existing wastewater land application facilities already utilize a reclaimed water use authorization under Chapter 210 from TCEQ, offsetting demands on a potable water supply with treated wastewater effluent. In some cases, permittees who are maximizing water conservation efforts through Chapter 210 may not fully utilize the dedicated disposal fields required by their wastewater land application permits. Because dedicated disposal fields required by TCEQ regulation are only partially utilized by permittees who also have a reclaimed water authorization, current TCEQ regulations act in part as an impediment to expansion of land application facilities. Further, Texas is not fully encouraging maximum reuse of wastewater effluent for beneficial purposes.

Travis County collaborated with the City of Austin's stakeholder effort along with multiple governmental entities, environmental protection advocates and wastewater permittees to develop draft rules that propose a new, entirely optional means to more sustainably manage wastewater and conserve water supplies. The City of Austin rule making petition proposes to provide partial credit for beneficial reuse of effluent against the required size of dedicated land disposal fields and effluent storage volumes. The proposed credit would apply only to the volume of effluent demonstrated through engineering analysis, including wet weather, to not need routing to dedicated disposal fields. Therefore, the City of Austin proposed rule not only encourages better water conservation but also is protective of water quality. Thus, permittees can allocate limited capital funding towards reclaimed water infrastructure instead of redundant and increasingly expensive disposal fields. In some cases, these disposal fields would not otherwise be irrigated with any water.

Current TCEQ regulations require 100% redundancy for wastewater land application facilities that also utilize a reclaimed water use authorization. Thus, current regulations do not reflect current industry practices, add unnecessary burden on permit holders seeking to maximize water reuse, and result in unnecessarily higher costs for wastewater land application without increasing the level of protection of public health or water quality. The City of Austin proposal is a minimal modification of existing rules, combines two existing TCEQ wastewater regulatory programs in a complementary way, and if adopted would provide an improved pathway for permittees motivated to maximize water conservation.

The State Water Plan recognizes the need to find alternative water supplies or reduce demand on potable water to accommodate our increasing population. Reuse of water is an important water supply strategy included in plan, which identifies approximately 2.5 million acre-feet/year of additional water supply augmentation or potable demand reduction strategies involving water reuse programs by 2060.

The City of Austin proposal if adopted by TCEQ will help Texas meet the goals of our State Water Plan in a cost-effective manner that does not require the expenditure of additional public dollars. Because this proposal is consistent with the TCEQ philosophy to ensure that regulations are effective and current, and provides better flexibility in achieving environmental goals without compromising public health or water quality, I urge your favorable consideration.

Sincerely,

Jon A. White, Director
Natural Resources & Environmental Quality Division
Transportation & Natural Resources Department