TRANSPORTATION AND NATURAL RESOURCES
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January 30, 2009

Ms. Beth Seaton
Texas Commission on Environmental Quality
Water Quality Division (MC-150)
P.O. Box 13087
Austin, Texas 78711-3087

Re: Comments on Issues and Options for Rule Making
Wastewater Treatment Facilities in Barton Creek and Onion Creek Watersheds

Ms. Seaton:

Thank you for hosting the January 16th stakeholder meeting. It was very informative and a fruitful discussion on the above-referenced subject. Travis County's Transportation and Natural Resources Department appreciates the opportunity to participate in this effort to set effluent standards for the protection of this County's unique and valued water resources. As requested, our department is providing you input on the issues and options under consideration in this matter.

Issues

Our department identifies the following issues as the most important factors in consideration of a rule to protect water quality in Onion Creek, Barton Creek, and the Edwards Aquifer:

1. The scientific study of these watersheds and of the Barton Springs segment of the Edwards Aquifer has been intensive and highly reputable, allowing for a sound and defensible basis for a rule making; there is little to no reason to delay a decision-making for additional study.
2. U.S. Geological Survey studies demonstrate that stream flow through the contributing zone reaches of Barton Creek and Onion Creek rapidly discharge to the recharge zone with a lack of flow attenuation and a lack of nutrient uptake or loss.
3. Streams in both of these watersheds are intermittent for a substantial period of time each year, particularly during droughts, affording insufficient assimilative capacity of wastewater effluent discharges.
4. Biological studies of streams in both of these watersheds verify that they are oligotrophic and highly sensitive to pollutant inputs.
5. The assimilative capacity of pollutants in streams in these watersheds is challenged from urbanization, even without wastewater effluent discharges; for instance, Slaughter Creek

does not support a high aquatic life use and is identified by the TCEQ and USEPA as impaired.

6. Pollutant concentrations measured at the major Edwards Aquifer outlet (Barton Springs) rise rapidly and distinctly in response to storm-induced runoff.
7. Aquatic-dependent endangered species protection is a shared responsibility of state and local political subdivisions warranting conservative standards to ensure habitat is not jeopardized by deteriorating water quality.

Options

In realization of these issues and other issues identified by local stakeholders, our department recommends the following options be considered for implementation into a TCEQ rule making:

1. Promulgate a rule that prohibits domestic wastewater discharges into surface water throughout the watersheds of Onion Creek and Barton Creek upstream from the Edwards Aquifer Recharge Zone.
2. Allow domestic wastewater disposal through issuance of Texas Land Disposal Permits with treatment of the wastewater to achieve an effluent set of 5-5-2-1, as described in the rule making petition.

It is recognized that these are very stringent measures to ensure against water quality degradation from these point sources. These requirements are similar to ones that have been successfully and feasibly implemented in the area of the Edwards Aquifer Recharge Zone and within the Lake Travis watershed. Both areas are examples where urban development has proceeded and flourished along with stewardship and protection of valuable water resources.

If you have any questions or wish to discuss this matter further, please contact me at (512) 854-7212 or contact Thomas Weber of my staff at 854-4629.

Sincerely,

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

JAW/TW