



To: Mr. David Galindo, Director, Water Quality Division, MC 145, TCEQ

From: Ken Kramer, Water Resources Chair, Sierra Club – Lone Star Chapter

Date: October 28, 2016

RE: City of Austin Petition for Rulemaking

The Sierra Club-Lone Star Chapter supports the City of Austin’s petition to the Texas Commission on Environmental Quality (TCEQ) to initiate a rulemaking process to make changes to TAC Chapters 222, 309, and 210 to allow permittees and applicants to reduce the effluent storage size and dedicated land application acreage that are currently required by rule. The City’s arguments for proposed changes – specifically anticipated population increases and resulting augmented land costs and effluent disposal demands – are consistent with projected Texas population and land price trends.

Beneficial use of reclaimed water, if done properly and with appropriate siting of operations, is a good way to ensure that effluent is being used for positive activities, like irrigation, instead of being simply applied to land or uselessly stored. The City correctly argues that the current regulatory scheme of TAC Chapters 222, 309, and 210 requires permittees utilizing reclaimed water to purchase and maintain an amount of effluent storage facilities and/or application land for volumes of wastewater beyond what is actually being stored or applied to land. This provides a disincentive for the beneficial use of reclaimed water by making it costlier for permittees to engage in these activities.

Water quality will likely be protected under the proposed changes provided that the final rule language includes buffer zones and other runoff precautions and does not alter existing wastewater quality standards. The biggest challenge for TCEQ will be implementing the final rules with respect to “firm reclaimed water demand,” such as in cases where permittees or applicants do not have historical water use data or past contracts. These potential situations reveal a hole in the current “firm reclaimed water demand” definition that should be filled.

We look forward to seeing these issues address in the final rules.

Thank you for the opportunity to make these comments.