

A topographic map of Texas and surrounding regions. The Hill Country area in central Texas is highlighted in a bright yellow color. The map shows various geographical features like mountains, rivers, and state boundaries.

Legislative Efforts to Ban TPDES in the Texas Hill Country

Annalisa Peace
Greater Edwards Aquifer Alliance



Some issues with protection of Central Texas karst aquifers:

- The State has no density restrictions for the Edwards Aquifer Recharge Zone.
- Neither the State nor municipalities require adequate protection of the Edwards Aquifer Contributing Zone. Most Edwards Aquifer Authority regulations extend protections for five miles into the Contributing Zone.
- Public investment in infrastructure does not take environmental services of the Edwards and Trinity aquifer watersheds into account, encouraging growth where it is least appropriate.
- The Edwards Aquifer Authority is not mandated by the State to review waste water permit applications that may impact the Aquifer.
- The State treats storm water as a pollutant, requiring measures to seal the Aquifer from recharge, or to mitigate water quality through the use of engineered Best Management Practices (BMP's).
- Current engineered structures required by the state to mitigate water quality are often poorly designed and poorly maintained.
- Counties lack the authority to regulate land uses
- The State often grants powers of eminent domain to Municipal Utility Districts and other entities, empowering them to encroach on contiguous privately held land.

TPDES (Texas Pollutant Discharge Elimination System) program

has federal regulatory authority over discharges of pollutants to Texas surface water, with the exception of discharges associated with oil, gas, and geothermal exploration and development activities, which are regulated by the Railroad Commission of Texas

TLAP (Texas Land Application Permit)

the treated effluent is said to be disposed of on the effluent application site.

Often referred to as Beneficial Reuse

Frequently, developers request amendments to TLAP to TPDES to allow for development of Land used for land application discharge.

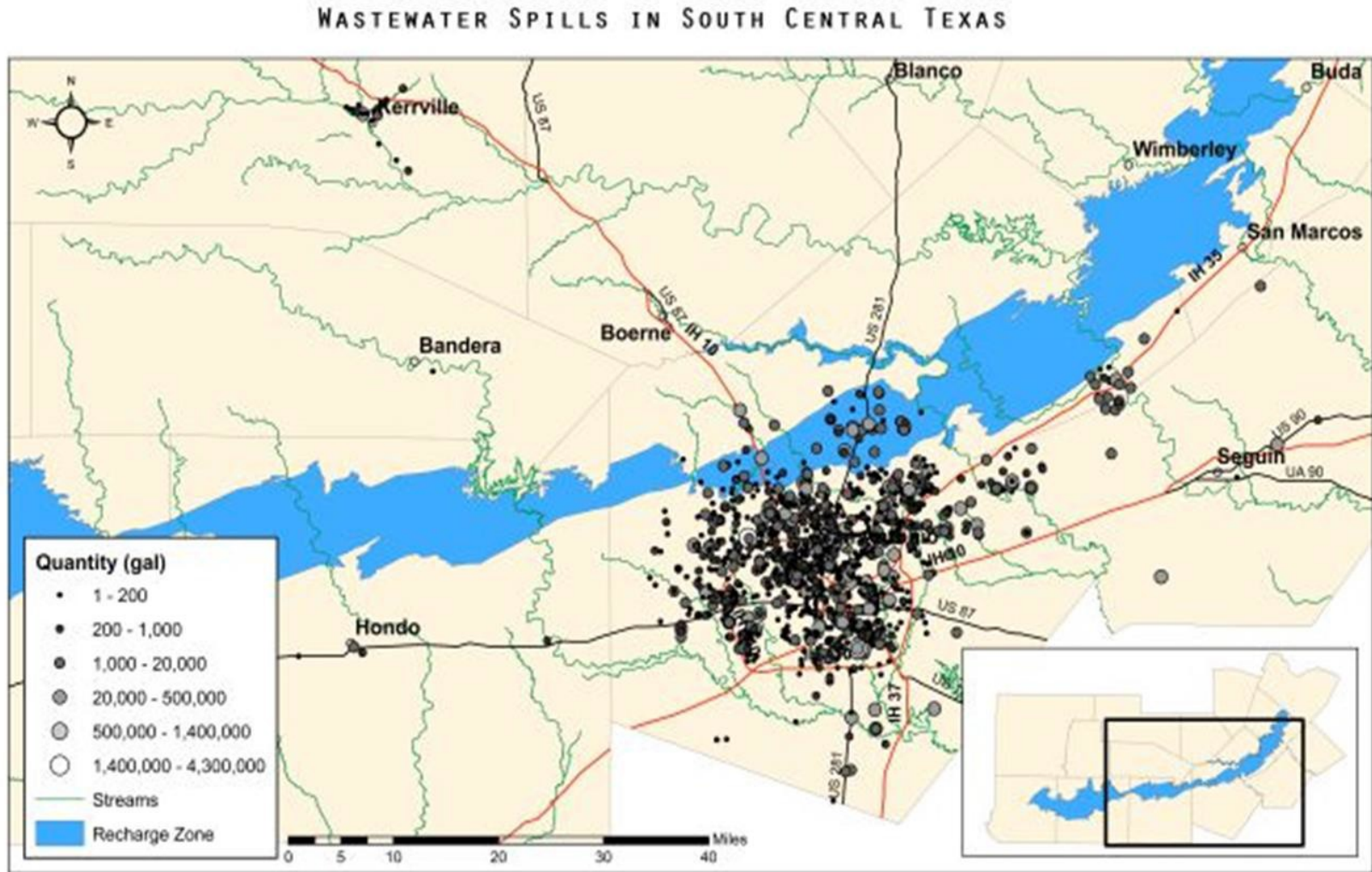
Many of these permits are within close proximity to one another, and many are located within the various vulnerable regions of the aquifer. A dense population of these permits can potentially lead to the leaking of harmful man-made substances into the aquifer.

Additionally, many of the permit locations listed on the TCEQ website are described in vague terms, or completely lack information about the location of the permit site.

This lack of information poses many problems. Currently, TCEQ considers the potential cumulative impacts from all permitted or proposed stormwater permits, but without accurate information in their database, it is unclear how this can be done.

Additionally, there may be questions about jurisdiction and who is responsible for the cleanup of potential spills. In some cases, a permit violation may not be reported in a timely manner, or at all. Thus, general knowledge of where and what type of permits are distributed, especially in vulnerable regions of the aquifer, is necessary in order to prevent potential problems.

Between January 2008 and May 2012 eighty three spills totaling 809,000 gallons (2.5 acre/feet) of raw sewage occurred on Edwards Aquifer Recharge Zone.



Created by: GeoTex Environmental Solutions
Projection: GCS_North_American_1983

<http://www.aquiferalliance.net/Library/GEAAPublications/FinalReport-GEO4427.pdf>

Scientists tell us that the fewer people producing sewage on the Edwards Aquifer Recharge Zone, the safer we are.

State law requires that properties over EARZ with OSSF shall be at least 1.0 acre.

	Bexar	Comal	Hays	Medina	Travis	Uvalde
Minimum lot sizes / spacing requirements for properties with OSSFs <u>not over EARZ</u>	0.5 acre	1.0 acre for public water. 5.0 acres for private water.	0.5 acre with surface/ rainwater collection. 1.0 acre with public water supply. 1.5 acres with private well.	0.5 acre	.75 acre	0.5 acre if using public water. 2.0 acres if using private water.
Aquifer-related requirements	Same as state regulation	Minimum property size is 5.0 acres with private water.	Over EARZ: 1.5 acre with surface/ rainwater collection. 2.5 acres with public water supply. 3.0 acres with private well.	Minimum property size is 2.0 acres if over EARZ	Same as state regulation	10.0 acres if private water and over the EARZ

Legislative Efforts - 2009

HB 595 Leibowitz & SB 822 Van de Putte – Effluent Discharge

Initiated by GEAA, would have prohibited the Texas Commission on Environmental Quality (TCEQ) from authorizing the discharge of domestic sewage effluent into any water in the Contributing or Recharge zones of the San Antonio or Barton Springs segments of the Edwards Aquifer.

Status: Both referred to Natural Resources;

Public Hearing for HB 595 3/17/09

HB 1508 Bolton & SB 1099 Watson – Effluent Discharge

Prohibits discharge of sewage effluent into the portions of the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer that are under the jurisdiction of the Barton Springs-Edwards Aquifer Conservation District.

Status: Both referred to Natural Resources;

Public Hearing for HB 1508 3/17/09

During the 81st session of the Texas Legislature (2009) Representative David Leibowitz filed HB 595

relating to a restriction on permits authorizing discharges of sewage effluent into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.

RESTRICTION ON PERMITS FOR DISCHARGES OF SEWAGE EFFLUENT INTO WATER IN CERTAIN ZONES OF EDWARDS AQUIFER. (a) The commission may not:

(1) issue a new permit authorizing the discharge of sewage effluent into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer; or

(2) amend a permit that was issued before September 1, 2009, to authorize an increase in the amount of sewage effluent that may be discharged into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.



Bandera, Bexar, Comal, Hays, Kinney,
Medina, Travis, Uvalde counties

Legislative Efforts - 2017

2017 - S.B. 1796 Menéndez & H.B. 3036 Tracy King / HB 3467

Howard - Relating to a restriction on permits authorizing discharges of sewage effluent into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.

Referred to Agriculture, Water, and Rural Affairs

Public Hearing 3/23/2017

Left pending in Committee

These bills were supported by landowners throughout the Texas Hill Country who fought to protect their properties and surface waters by challenging proposed discharges of treated effluent into pristine streams and rivers.

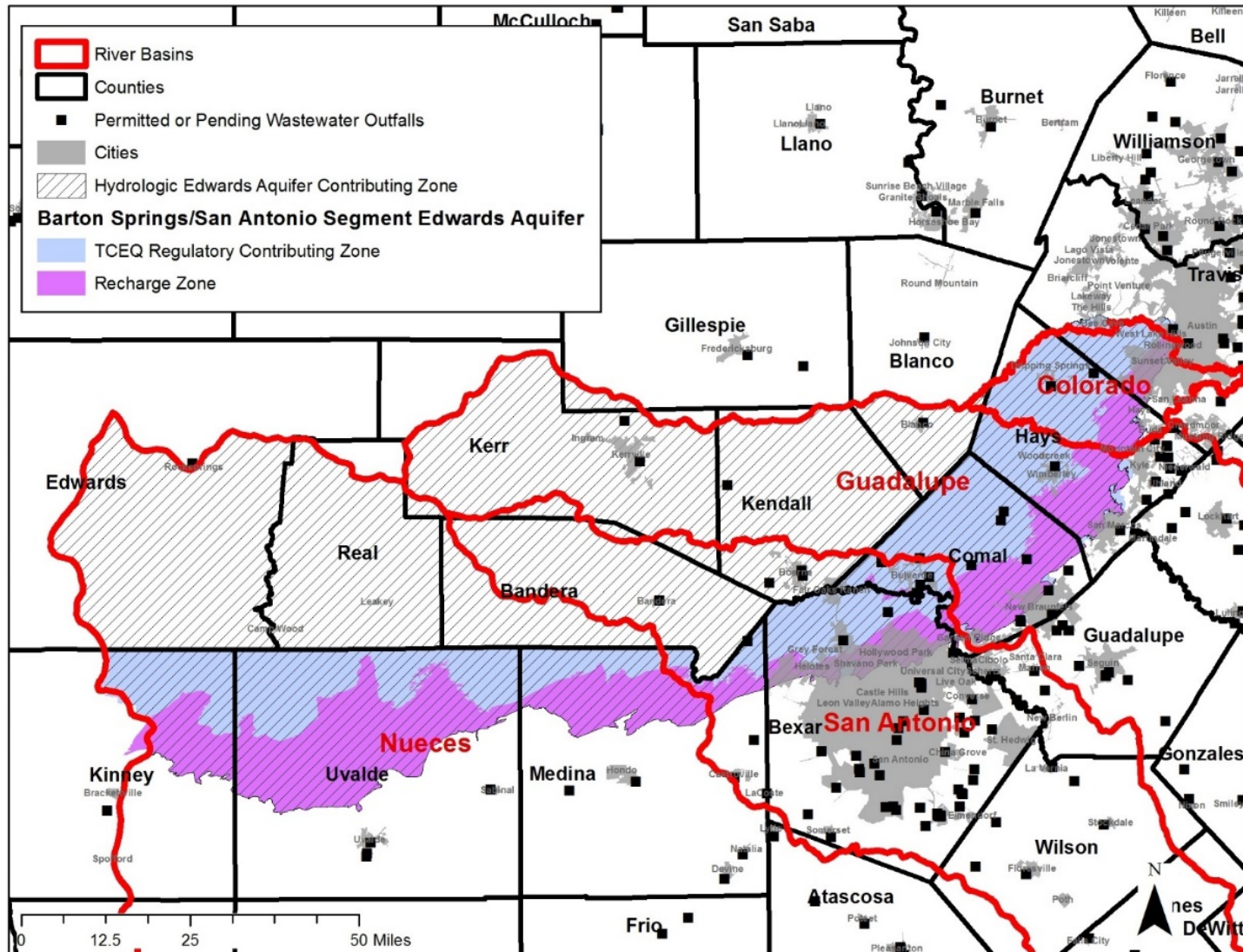
SB 1796 & HB 3036

SECTION 1. Amends Section Subchapter B, Chapter 26, Water Code by adding Section 26.045 as follows Government Code, as follows:

Sec. 26.0465. RESTRICTION ON PERMITS FOR DISCHARGES OF SEWAGE EFFLUENT INTO WATER IN CERTAIN ZONES OF EDWARDS AQUIFER. (a) prohibits the commission from issuing a new permit authorizing the discharge of sewage effluent into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer. Prohibits the commission from amending a permit that was issued before September 1, 2009, to authorize an increase in the amount of sewage effluent that may be discharged into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.

(b) Specifies that this section does not affect the current authority of the commission to issue a new permit or amend a permit for certain discharges from: storm water runoff from an industrial facility; a municipal storm water system that is separate from the municipality's wastewater collection system; construction activity; firefighting activity; flushing of a fire hydrant; potable water source; an air conditioner or compressor if the discharge consists of uncontaminated condensate; lawn watering or irrigation; pavement wash-down under certain criteria; routine building wash-down under certain criteria; foundation or footing drain under certain criteria; spray-down of a lumber or wood storage yard under certain criteria; uncontaminated groundwater or spring water discharge; or storm water or groundwater seepage from mine dewatering activity.

S.B. 1796 and H.B. 3036 would have prohibited TPDES permits to be issued on the Edwards Aquifer Contributing Zone.



GEAA issue: How will problems with sewage infrastructure be addressed in the future?

- San Antonio Water Systems has spent millions of ratepayer dollars taking over and upgrading inefficient / substandard sewage infrastructure installed by private developers and MUDS.**
- GEAA has joined with friends of Canyon Lake in Comal County and other member groups throughout the Edwards region to oppose renewal of TPDES permits for poorly functioning sewage treatment plants.**
- GEAA routinely joins citizens to contest permits for sewage infrastructure that will negatively impact local waterways and private wells.**
- It is more difficult for citizens to contest permits in Texas due to the passage of HB 1865/SB 709 in 2015. Under these bills affected residents bear the burden of proving that an application should be denied. Shifting the burden of proof imposes significant costs upon the public to perform fact-finding and engage experts simply to protect themselves from injury.**



Thank you!

You may contact me at **210-320-6294**
Annalisa@AquiferAlliance.org

Visit our web site at
www.AquiferAlliance.org

Like the Greater Edwards Aquifer Alliance on
Facebook

