

HB CS4146 and SB 1747

Bills have been introduced in the 87th Texas Legislature to prohibit the Texas Commission on Environmental Quality (TCEQ) from considering permit applications to discharge treated wastewater into streams, and their tributaries, which have been shown to contain very low concentrations of Total Phosphorus over the past ten years. Only a few streams meet this qualification, and they include the Devils River, Llano River, and all of the streams in the Headwaters of the Nueces River basin, as well as the Devils River basin. Across Texas, about 43 streams would be protected from discharge by the proposed legislation.

Why is this legislation needed:

Over the last few years, a number of applications have sought discharge permits into Nueces basin headwater streams. So far, all the applicants have changed their plans and chose alternative means of disposal. No permits have yet been granted authorizing discharge in the Nueces headwaters, but there is currently no regulatory protection against this.

Streams like those in the Nueces headwaters contain almost no Total Phosphorus, and they are hypersensitive to its addition. The absence of Phosphorus is an indicator of pristine water quality, which is the cornerstone of local tourism economies and key to continued healthy aquatic systems.

TCEQ is the regulatory agency in charge of issuing discharge permits. They currently have no means of denying permit applications that would discharge wastewater into pristine streams like those in the Nueces Headwaters. The proposed legislation will prohibit TCEQ from considering discharge permits to the identified pristine streams.

Alternatives exist:

Using wastewater to degrade pristine streams makes no sense. The Texas Land Application Permit (TLAP) allows the disposal of treated wastewater by land application where soil microbes and green plants can utilize the Phosphorus without degrading streams. Treated wastewater is a valuable water resource, and TCEQ allows its beneficial reuse through its Chapter 210 Reuse Authorization.

Once the legislation is passed, applicants who formerly might have proposed to discharge wastewater into pristine streams would be directed to instead apply for a TLAP permit and consider the addition of a 210 Reuse authorization for one or more other beneficial uses. This change produces a win-win result. Texas' supply of drinking water is conserved, and wastewater can be used for beneficial use to the advantage of such applicants.

Legislative Decision-makers that need to hear from you:

- Clean, clear, pristine rivers, streams, creeks, and lakes within Texas support the state's visitor and recreation-based economy and contribute to the value of private lands that lie along them.
- Their water is clear and pristine because it carries almost no nutrients, like Phosphorus.
- Total Phosphorus has been monitored by TCEQ over the past ten years, and that data is certified and stored in the agency's official Surface Water Quality Monitoring database.
- This data indicates that a small number of streams have shown to contain an amount of the Total Phosphorus below detectable levels ($<.06$ mg/l) in 90% of all samples taken from them.
- Even the best-treated wastewater contains Phosphorus and other nutrients in far higher concentrations than those in this pristine water.
- If wastewater is discharged to them, it will degrade water quality and may result in algal blooms, fish kills, and interrupt recreational use.
- These pristine waters can be protected by prohibiting the direct discharge of treated wastewater and instead requiring alternative means of disposal through land application, reuse, or other means.
- Without this legislation, local people, at great expense, must organize to contest each individual permit discharge permit application in order to protect water quality in their creeks and rivers.
- This legislation gives TCEQ a reason to say NO to discharge into pristine streams.