

Two water bills have local support

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Local landowners and lawmakers are anxiously watching legislation they hope will protect land and water rights in the Hill Country.

Dan Wheelus, an attorney representing the Texas Ranch Conservation organization, said at issue are two proposed bills in the Texas House and Senate. He said the pieces of legislation would eliminate new or expanded wastewater discharge permits in the contributing zones of the Edwards Aquifer and would require the Texas Commission on Environmental Quality to modify rules for beneficial reuse of treated effluent through the Texas Land Application Permit (TLAP) making such systems more cost effective. Effluent, or treated wastewater, can be a source of irrigation for parks or golf courses and is seen by many municipalities as a way to curb the use of potable water for irrigation.

Representative Tracy King (D-Uvalde) filed House Bill 3036 and Senator Jose Menendez (D-Bexar) filed Senate Bill 1796, Wheelus said.

“The bill expands the areas that would not be subjected to sewage system discharges including the contributing zone to the Edwards Aquifer would also be protected from sewage system discharge under the terms of these bills,” he said. “It’s a good thing.”

As Wheelus explains it, the waters — rivers, streams and tributaries — in the Hill Country are pure and free of nutrients, which feed algae, mosses and pathogens, and bacteria. He said

when sewage water is released on lands, it creeps into those pure waters and deposits nutrients, primarily phosphorous and nitrogen. Those nutrients allow the unwanted algae and other things to grow and prosper in the waters, diminishing their purity.

Wheelus said those things make the rivers and streams slimy messes for miles and miles. “The Hill Country has experienced an explosion in wastewater permits which have led to many unintended consequences such as increased stormwater run-off, dumping excess silt and mud into our water supply, as well as infringement on the property rights of developers’ neighbors,” said Rep. Kyle Biedermann, who said he’s carefully considering SB 1796 and HB 2026. “Frankly, we’re seeing an overdevelopment of the Hill Country for what the land can safely handle.”

People who own and protect properties through which these waters flow often rely on their purity for drinking, recreation and sometimes livelihood, Wheelus said. There are several contributing zones in Comal and Guadalupe counties where water flows into the ground and recharges the aquifers. But sewage discharges into such recharge zones are concerning to landowners.

“The state grants discharge permits to dump effluent into pristine waters fouling streams and rivers flowing through their property,” Wheelus said. “It damages the value of their land. It damages the recreational value of the water for the people of Texas and it also damages the Edwards Aquifer.”

Biedermann placed much of the blame for this on the TCEQ.

“TCEQ is doing a poor job of mitigating the cumulative effects of its decisions and an equally poor job of enforcing the law,” Biedermann said. “It’s doing too little to impose penalties on bad actors. While I’m reticent to enact new regulations, something must be done.”

Using effluent to water golf courses and parks is something Biedermann supports as it introduces the water to a natural element of filtration before it hits any water supply.

“There is clear and undisputed benefit to the practice of reusing effluent and repurposing it as a usable resource, particularly during droughts,” Biedermann said. “However, there are very specific appropriate and inappropriate ways of handling this effluent to ensure that it provides benefit rather than harm. We cannot continue to allow the free flow of dumping treated sewage into our sensitive aquifers. Rather than polluting our sources of drinking water, let’s put that effluent to good use. It’s a win-win.”

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