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Three Bills Filed to Ensure Clean Water Recharges the Edwards Aquifer

Senator José Menéndez, Representative Donna Howard, and Representative Tracy O. King have filed bills that many believe are needed to protect the quality of water in the Edwards Aquifer. [S.B. 1796](#) (Menéndez) / [H.B. 3467](#) (Howard) state “The commission (Texas Commission on Environmental Quality -TCEQ) may not issue a new permit authorizing the discharge of sewage effluent directly into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.” [H.B. 3036](#) (King) expands the geographic area impacted by this legislation to include the regulated Edwards Aquifer Contributing Zone.

"Protecting the pristine streams in the Edwards Aquifer Contributing Zone for all landowners (users) is of the utmost importance and I am proud to author House Bill 3036," said Representative Tracy King.

Ranchers, landowners, [civic](#) and [conservation](#) groups from throughout the Texas Hill Country are joining forces to support this legislation to prohibit the practice of releasing treated sewage effluent into waterways that recharge the Edwards Aquifer.

Similar bills have been filed in past legislative sessions, including H.B. 595 (2009) by Representative David Leibowitz, S.B. 1099 (2009) and S.B. 853 (2011) filed by Senator Kirk Watson, and H.B. 3039 (2007) filed by Representative Patrick Rose. In the years since those bills were filed, applications for direct discharge permits in the Hill Country have proliferated.

There is a precedent in prohibition of direct discharge of sewage effluent -Texas Pollution Discharge Elimination System (TPDES) permits – specific to a geographic area. Under [state law](#) these permits cannot be issued for discharge into the Highland lakes.

Scientists opposed to this practice [cite concerns](#) about the inevitable process of [eutrophication](#) – an excess of nutrients, such as phosphorus, that ends up in creeks, producing an increase of microorganisms and algae and depressing oxygen. Such an outcome would be disastrous for the Edwards Aquifer, as several creeks and streams within Edwards Aquifer Contributing Zone (Nueces, Frio, Sabinal, Medina, Guadalupe, and Blanco rivers, and the Hondo, Cibolo, Barton, Onion, Helotes, Leon, and San Geronimo creeks, etc.) feed the Aquifer.

"We shouldn't dump sewage into our drinking water. It is hard to believe we need legislation for that, but we do, so I filed SB 1796." said José Menéndez, Texas State Senator, District 26.

Hill Country landowners are concerned about impacts to wells that supply them with potable water. Over the past decade Hill Country citizens have spent millions of dollars fighting these Texas Pollutant Discharge Elimination System ([TPDES](#)) permits to discharge into surface water or dry creek beds. In 2007 an application that proposed to release treated effluent into the San Geronimo Creek, a prolific Edwards Aquifer recharge creek, [was opposed](#) by San Antonio Water System, the Greater Edwards Aquifer Alliance, the San Geronimo Valley Alliance, and landowners who still draw water from the San Geronimo. “What about my property rights?” said Randy Johnson, President of the San Geronimo Valley Alliance, whose ranch was directly downstream of the proposed discharge point, “Discharging sewage into the San Geronimo could pollute this pristine Edwards recharge creek, making it unfit for swimming, drinking, or any use to me.”

In 2008, TCEQ approved a permit for wastewater discharge from the [Belterra subdivision](#) in Hays County that allowed discharge of treated effluent from the subdivision into Bear Creek, a tributary of Onion Creek that recharges the Barton Spring segment of the Edwards. The Barton Springs Edwards Aquifer Conservation District and local governments opposed the permit and requested that TCEQ rules be changed to prohibit this practice, believing that it would result in degradation of the Aquifer, with one commissioner suggesting the matter would best be addressed by the Legislature.

More recently, citizens of [Hays and Travis County](#) have united to oppose a permit by the City of Dripping Springs to discharge 995,000 gallons/day into Onion Creek. Citizens of Comal County, contesting TPDES permits that would have allowed 1,220,000 gallons/day of effluent to flow into Cibolo Creek successfully negotiated settlements with developers to instead employ beneficial reuse of the sewage effluent within subdivisions located on [Dry Comal](#) and Lewis creeks.

Annalisa Peace, Executive Director of the Greater Edwards Aquifer Alliance notes, “Supplies of fresh water are at a premium worldwide. Citizens in twenty-one counties have asked the Texas Legislature to prohibit the release of treated sewage effluent into creeks that recharge the Edwards Aquifer. We will be working very hard to get these bills passed during this session.”

John Dupnik, General Manager of the Barton Springs/Edwards Aquifer Conservation District, further noted that, “This bill isn’t for or against growth, it simply prohibits wastewater management practices that could be detrimental to the creeks and aquifers while encouraging re-use for other beneficial uses. This bill represents a sound public policy that promotes reuse where the wastewater is generated and needed and requires the risks be managed by the folks who produce the pollutants rather than pass them on to their downstream neighbors.”

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Resources:

[HB 3036 Bill Analysis](#)
[LWV Action Paper Water Quality in Edwards Aquifer 2017](#)
[HB 3036 Fact Sheet](#)
[GEAA S.B. 1796 Menéndez / H.B. 3467 Howard & H.B. 3036 King of Uvalde](#)

Map of Area Impacted by H.B. 3036

