

- SUBJECT:** Adjusting process for permitting discharge into certain sensitive areas
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 7 ayes — Pickett, E. Thompson, Cyrier, Kacal, Landgraf, Lozano, Reynolds
- 1 nay — Dale
- 1 absent — E. Rodriguez
- WITNESSES:** For — Gordon Smith, Camp Ben McCulloch; Ronald Green and Annalisa Peace, Greater Edwards Aquifer Alliance; Jensie Madden, League of Women Voters of Texas; Con Mims, Nueces River Authority; Kasey Mock, Texas Ranch Conservation, LLC; Dan Wheelus, Texas Ranch Conservation, a number of ranchers; and five individuals; (*Registered, but did not testify*: George Cofer, Annandale Ranch (Uvalde County); David Foster, Clean Water Action; Katherine Romans, Hill Country Alliance; Bill Lauderback, Lower Colorado River Authority; Lon Burnam, Public Citizen; Robin Schneider, Texas Campaign for the Environment; Susan Petersen, Texas Conservation Alliance; Joe Morris, Texas Ranch Conservation; Joey Park, Texas Wildlife Association; and 13 individuals)
- Against — Robert Callegari and James Miertschkin, City of Dripping Springs; Eddie McCarthy, DH Investments; Michael Urrutia, Guadalupe Blanco River Authority; Stephen Minick, Texas Association of Business; (*Registered, but did not testify*: Felicia Wright, Texas Assn. of Builders)
- On — (*Registered, but did not testify*: Cary Betz and David Galindo, TCEQ)
- BACKGROUND:** Water Code, sec. 26.121 prohibits the discharge of waste into any water in the state, except as authorized by the Texas Commission on Environmental Quality (TCEQ). Sec. 26.027 allows TCEQ to issue permits for the discharge of waste or pollutants into or adjacent to water in the state.

DIGEST: CSHB 3036 would require the Texas Commission on Environmental Quality (TCEQ), in considering permit applications by a wastewater treatment facility for the land disposal of wastewater effluent in certain areas of the Edwards Aquifer recharge zone, to:

- subtract the reclaimed water amount from the total effluent volume to determine the appropriate disposal and storage area required; and
- adopt a procedure for the applicant to demonstrate the reclaimed water amount, including provisions to ensure that no unauthorized effluent discharges or groundwater contamination would occur.

The bill also would require an applicant demonstrating a reclaimed water amount to obtain a beneficial reuse authorization from TCEQ before operating a relevant facility. The addition of area or users in a demonstration of a reclaimed water amount would not constitute a major amendment to the permit if the volume of the reclaimed water amount was not decreased and the applicant complied with the demonstration procedure established by TCEQ.

CSHB 3036 would prohibit TCEQ from issuing new permits authorizing the direct discharge of waste or pollutants into specified areas in and around the Edwards Aquifer recharge zone. The bill also would prohibit the commission from amending permits issued before September 1, 2017, to authorize an increase in the amount of waste or pollutants that could be directly discharged into water in these areas.

The bill would not affect the commission's authority to issue stormwater and certain non-stormwater permits, nor would it apply to on-site sewage disposal systems.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply only to applications for permits or permit amendments submitted on or after that date.

SUPPORTERS SAY: CSHB 3036 would prevent further discharge of effluent water into the Edwards Aquifer recharge zone, which is highly sensitive to changes in water quality and nutrients. Additional discharge would create the potential for algae blooms, destruction of sensitive ecosystems and habitats, and irreversible loss of pristine natural areas from which property owners and businesses benefit.

OPPONENTS SAY: CSHB 3036 would limit the ability of wastewater treatment facilities to meet the demands of a growing region and could prevent them from adjusting permits to deal with increased wastewater capacity. In addition, effluent water that is discharged is not hazardous and meets or exceeds the requirements of TCEQ permitting.