

Watershed Weeks In Review

Editor: Linda Fawcett

THE TCEQ Denies the Pristine Streams Rulemaking Petition

In late March, all of you who receive this Newsletter were sent two Calls to submit comments to the Texas Commission on Environmental Quality (TCEQ) about an upcoming decision-making meeting (on March 30) to deny or move forward a new rule that sought to prevent new direct discharge permits into waterways designated as pristine streams and rivers, most of which are located in the Hill Country. This new rule would have only affected less than 1% of all classified stream segments in Texas, and would not have necessarily hampered development, since zero-discharge alternatives such as land irrigation and beneficial reuse have proven practical, successful and affordable.

Those of you who sent comments to the TCEQ supporting the No-Dumping-In-Pristine-Streams Petition, joined 1200 others commenting between Jan. 31 to March 30, and that was combined with well-spoken, passionate in-person comments for over an hour at the Austin meeting. At the same time, the efforts of the Blanco City Council and the Blanco Water Reclamation Task Force to find alternatives to direct discharge were highlighted as major successes and lauded as the sustainable path forward for the Hill country. The Highland Lakes area near Austin were also spotlighted as demonstrating that TCEQ's no-new-discharge-permits there

(since 1986) have not hampered development.

All of this made a strong impression on the three TCEQ Commissioners that met on March 30. **HOWEVER... the new rule was denied by a 2-1 vote.** Commissioners Jon Niermann and Emily Lindley voted to deny the rule-making petition; Commissioner Bobby Janecka opposed the denial. Commissioner (also TCEQ Chair) Niermann's motion gave a single reason for the denial as follows: "that the TCEQ already addresses the concerns raised



Photo by Stephanie Ryder Morris, San Gabriel River, Feb. 9, 2022, algae bloom that extends 3.5 miles downstream

in the petition with a legally adequate program for assessing and protecting stream segments under Texas surface water quality standards at 30 Texas Administrative Code Chapter 307 and the Agency's TPDES Permitting Program."

[editor's note: "... a legally adequate program..."
Hmmm.]

Unfortunately, TCEQ keeps issuing new discharge permits on pristine streams. The agency approved two discharge permits on Onion Creek in Hays County in 2008 and 2019. In the past six years, TCEQ has also processed applications for discharge permits on Hon-do Creek in Bandera County, Honey Creek in Comal County, and Barton Creek in Travis County: streams that have extremely low phosphorus levels and meet the definition of pristine. There is simply nothing in TCEQ's current rules that would prevent the agency from issuing new discharge permits on any pristine stream in the future.

Making matters worse, TCEQ doesn't fix bad discharge permits even when they have obvious problems. The South San Gabriel River has been blanketed with algae almost continuously since TCEQ issued Liberty Hill's current permit in 2016 (see photo on previous page). Yet the agency is currently planning to renew the city's permit with a phosphorus limit that's still more than 100 times higher than the river's natural level of phosphorus. TCEQ is also set to renew the city of Junction's discharge permit as is, even though the city's sewage treatment plant earned an F grade for permit noncompliance in a recent report and a historic record of noncompliance.

While this is not the outcome we had hoped for, the Commissioners openly discussed the need to develop a stakeholder committee and look at options to better protect streams—whether through existing rules or recommendations to Legislature. Brian Zapcik of the Save Barton Creek Association was able to tell the commissioners just before the meeting ended that we

A LERT: the Llano River Watershed Alliance is on the Rise!

At the last LRWA Board meeting on (March 17) at the Texas Tech Center, three new Board members were added and the Officer roster for 2022 was completed. The Vice-president position, vacated by Gary Garrett after 2 years of service, was filled by Board member Scott Richardson, long-time member of LRWA and Past-President. Martha Richardson was voted in as a new Board member, also taking the position of Recorder. Past-President Andrew Burnard rejoined the Board as Webmaster, and the new Director of the Llano River Field Station, Blake Grisham, was also welcomed to the Board! Melissa Burnard continues as Treasurer.

AND - 2022 LRWA MEMBERSHIP DRIVE A SUCCESS!

So far Over 90 new members or renewals!

IT'S DOWNSTREAM FROM HERE!

(the petitioners) had answers ready for most of the issues brought up by the commissioners.

And on a slightly positive note, there was some acknowledgement by one or more commissioners of 1) the need for more transparency about the process that leads permit-reviewers to recommend certain nutrient values, 2) to reexamine the agency's policing policies regarding health impacts from nutrient pollution, 3) that private sector applicants might need additional discharge requirements, such as being required to simultaneously apply for TLAP or beneficial reuse permits, and 4) to paraphrase Commissioner Janecka, acknowledgement of the "... use it or lose it aspect of those pristine streams... and that unless we act [soon], the unintended consequence of the Texas miracle that is driving a tremendous population movement into our state from across the country and the world – we're going to find an opportunity lost."

For more details on reasons given for denial, you can read an [unofficial transcript](#) taken from a video of the meeting's proceedings OR the [Lone Star Chapter of the Sierra Club's report on this action](#), and please pay special attention to this article's last paragraph ("So What's Next?") on **how to continue to input your comments and responses either to this action or to TCEQ's performance in general, since the TCEQ continues to be under Sunset Review, a process that assesses the effectiveness of a state agency to see if it needs to continue to operate as is or at all.**

ALSO, now's the time to report to the Texas legislature your experiences concerning the relative inaction of the TCEQ with the hope of either improving its protection of Texas water resources for everyone, and/or to facilitate re-doubled efforts toward protections of what remains of Texas' pristine streams in the next Texas legislative session!

DID YOU REALIZE the close relationship between groundwater and surface water?

The Llano River system (as are many Hill Country rivers) is spring-fed and normally low-flow. If the groundwater from our delicate limestone aquifer is pumped to dangerously low levels, then it can no only feed our springs, so rivers and creeks dry up, some temporarily, some never to return (ask long-time area residents...). [Click here](#) for related info.

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** LRWA Board members meet with counterparts at the Hill Country Water Advocates Summit in Blanco, Texas



Blanco, Texas - March 24, 2022

The Blanco River near Blanco

At the Blanco State Park and then at the Gem of the Hills Activity Center, LRWA Board members Linda Fawcett, Martha and Scott Richardson, attended the Hill Country Alliance-sponsored Gathering of Grassroots Water Advocates from throughout the Hill Country to network and strategize. Including the LRWA, there were eighteen organizations with reps in attendance. For more information on each group's name and stated description, [click here](#).

Takeaways:

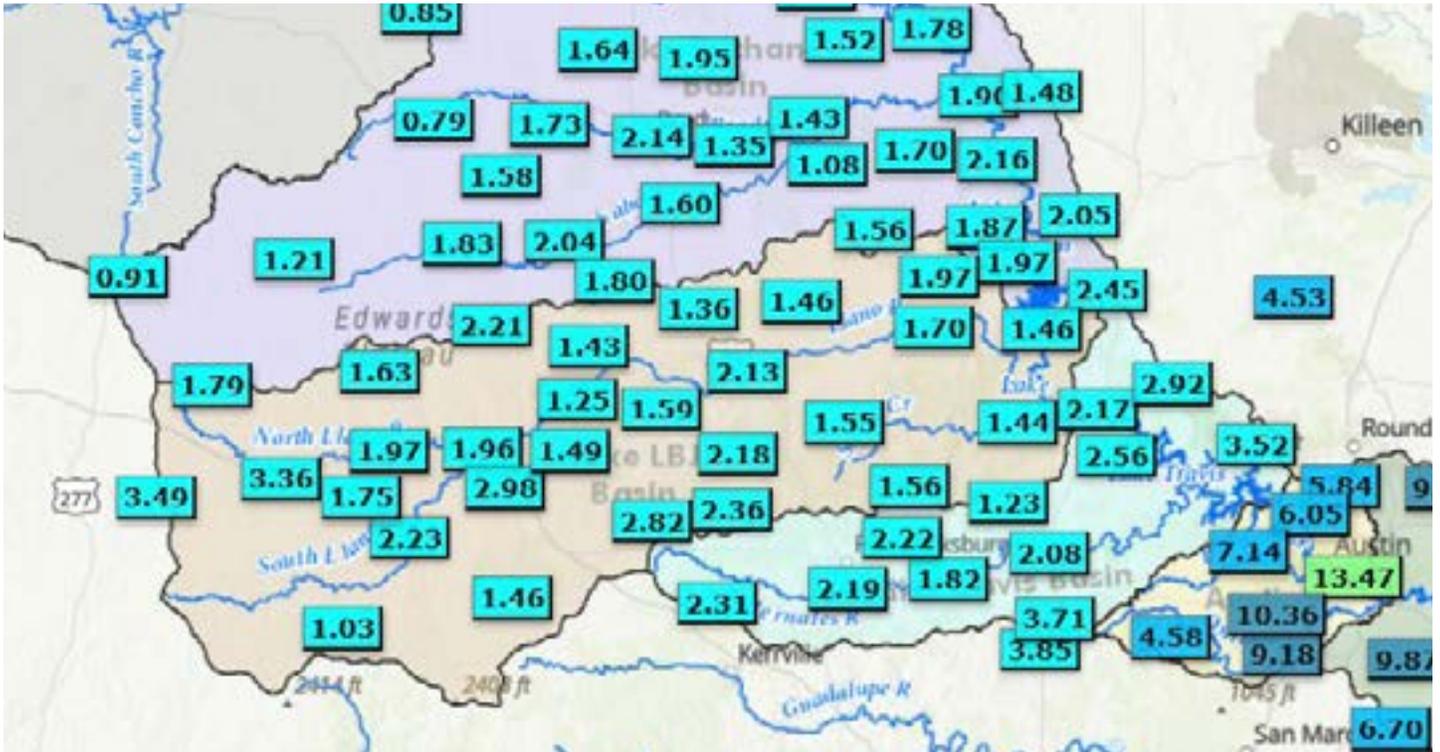
1) Most of these conservation-minded organizations are fighting similar water issues as the LRWA, but are at different stages of progress. Familiar topics: the effects of unmanaged development on unincorporated areas, utilizing timely data-driven metrics about Water Consumption, Water Quality, and Spring flow, and the importance of **educating** city and county leaders as well as new and multi-generational landowners. Especially about the INTERCONNECTIVENESS of groundwater (aquifer levels) and surface water (spring-fed rivers), not currently recognized in current policies. It was energizing and informative to network, compare notes and otherwise learn about the strategies and successes or failures of others.

2) [A TALE OF TWO CITIES] Of special interest to LRWA reps, was hearing Blanco City Council member, **Connie Baron**, talk about the city's journey during the last two years **FROM** having no City Manager, seriously aging infrastructure, budget issues, frequent TCEQ violations, and city discharging effluent into the Blanco River... (sound familiar, City of Junction?) ...**To** having a professional City Manager and a strategic plan of improvements that balances water conservation, citizenry needs, and tourism; a balanced budget with transparency, and **NO** longer dumping wastewater directly into the river! (i.e. note that the City of Junction continues to regularly dump wastewater into the Main Llano near town, treated but still containing far too much phosphorus for a pristine river to handle). Being similar in size and having dependence on historic (formerly) pristine rivers, it seems that Blanco two years ago was very similar to where the City of Junction is today and represents where the City of Junction ought to work toward in the near future!

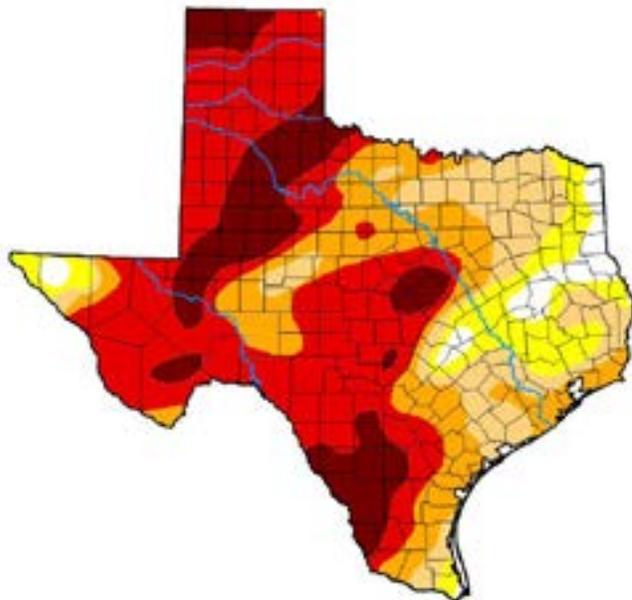
Etcetera

LCRA Hydromet Rainfall for the year as of 4.27.22, with the LLano River system in beige

Lower Colorado River Authority’s Hydromet is a system of more than 275 automated river and weather gauges throughout the lower Colorado River basin in Texas. The website displays gauges maintained by the City of Austin and USGS. The Hydromet provides near-real-time data on stream-flow, river stage, rainfall totals, temperature and humidity. <https://hydromet.lcra.org>



Texas



Map released: Thurs. April 21, 2022

Data valid: April 19, 2022 at 8 a.m. EDT

Intensity

- None
- D0 (Abnormally Dry)
- D1 (Moderate Drought)
- D2 (Severe Drought)
- D3 (Extreme Drought)
- D4 (Exceptional Drought)
- No Data

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The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text