



City of Austin

Founded by Congress, Republic of Texas,
1839 Watershed Protection Department
P.O. Box 1088, Austin, Texas 78767

November 12, 2024

Erika Crespo, Assistant Deputy Director
Water Quality Division
Texas Commission on Environmental Quality
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VIA ELECTRONIC SUBMITTAL

SUBJECT: Submittal of Written Comments
Proposed Rulemaking
Chapter 321, Control of Certain Activities by Rule and Chapter 210, Use
of Reclaimed Water
Domestic Reuse Alternative Disposal Method
Rule Project No. 2023-137-321-OW

Dear Ms. Crespo:

By this letter, the City of Austin Watershed Protection Department (WPD) submits its written public comments regarding the implementation of Senate Bill 1289 (SB 1289), 88th Regular Legislative Session, relating to the proposed changes to subsections of Title 30 Texas Administrative Code (TAC) Chapter 321, Subchapter P, and Chapter 210. WPD understands that these comments will be used in consideration of the proposed changes to the Standards and Implementation Procedures to be adopted on March 19, 2025.

- Chapter 210.4 (*Notifications*) in §210.4(d): The reference to Chapter 313 should be corrected to reference Chapter 213.
- Chapter 213.6 (5): The reference to Chapter 317 should be corrected to reference Chapter 217.

- The current rule in Chapter 210 does not explicitly require monitoring of the soil moisture or nutrient balance for soil as required in Chapter 309.20 for Texas Land Application Permits (TLAP). The proposed change to §210.2 does not ensure compliance with the requirements of §309.20. WPD recommends the following edit: “(b) *The commission has defined other types of reclaimed water activity in separate regulations, including Chapter 321, Subchapter P of this title (relating to Reclaimed Water Production Facilities), Chapter 309 [§309.20] of this title (relating to Land Application of Sewage Effluent), and Chapter 297 [§297.1] of this title (relating to Definitions). These regulations do not modify those definitions or requirements. The term reclaimed water is limited in scope for the purpose of this rule as defined in §210.3 of this title (relating to Definitions).*”
- WPD recommends adding standards on reclaimed water irrigation to Chapter 210 for environmentally sensitive areas such as the Edwards Aquifer Recharge Zone and prohibit reclaimed water irrigation within proximity to permeable features such as caves, sinkholes, faults, and fractures. For example, the City of Austin’s Land Development Code prohibits wastewater irrigation within 150 feet from these environmentally sensitive features.
- In general, the TCEQ strategy of allowing Reclaimed Water Production Facilities (RWPF) authorizations combined with Chapter 210 reclaimed water user authorizations in place of TLAP permits represents a reduction in application, monitoring, and design requirements by simply receiving letters from an owner and operator of a collection system and associated wastewater treatment plant who agree to accept all reclaimed water that is not in demand from the Chapter 210 reclaimed water users associated with the RWPF. The rule changes to 30 TAC 321 and Chapter 210 implement those reductions of protections in accordance with SB 1289. Any failures of this new system should receive appropriate enforcement from TCEQ due to the increased risks to the environment from the proposed changes.

If you have any questions about these recommendations, you may reach me at Liz.Johnston@austintexas.gov.

Thank you for your consideration,



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cc: Heather Cooke, Chief Administrative Officer, Austin Water