

Jonathan Wagner

Please reference attached memorandum for comments from Texas ASLA on these proposed Rules.
Thank you for the opportunity to provide feedback.

July 8, 2026

Texas Regulatory Efficiency Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RE: Public Comment on the Texas Regulatory Impact Matrix (TRIM) Rules Affecting Water Reuse, Graywater, Irrigation, and Water Conservation Planning

Dear Texas Regulatory Efficiency Office:

On behalf of the Texas Chapter of the American Society of Landscape Architects (TXASLA), we appreciate the opportunity to comment on the Texas Regulatory Impact Matrix (TRIM) rule review. Our members, practitioners, and allied partners, including but not limited to TXIA, design and specify irrigation, reclaimed water, and graywater systems throughout Texas and regularly navigate the rules identified below. We support TCEQ's overall effort to modernize, streamline, and eliminate outdated regulatory language, and offer the following comments on specific chapters most relevant to our profession.

1. Reclaimed Water and Graywater Use (30 TAC Chapter 210)

§210.53(a) - Wastes Eligible for Coverage

We support the proposed expansion to authorize allowable non-stormwater wastestreams identified under TCEQ's Multi-Sector General Permit (TXR050000) for use as industrial reclaimed water under a Level I authorization.

Recommendation: Adopt as proposed. This change expands lawful pathways for reuse and reduces potable water demand for irrigation, consistent with state water planning goals.

§210.55 - Applicability, Purpose, and Scope

We support automatic authorization for TPDES permit holders to use industrial reclaimed water on-site without a separate permit amendment, but recommend the Commission retain a design-standard checkpoint to ensure cross-connection prevention, public-contact controls, and setback requirements are met before use begins.

Recommendation: Adopt with a companion requirement that automatic authorization be conditioned on documented compliance with existing design and public-health safeguards (e.g., an engineer or licensed irrigator certification), rather than removing review entirely.

§210.81–210.85 - Graywater Use (Residential, Industrial/Commercial/Institutional, and Agricultural)

We agree these subchapters are overly complex and that entities frequently seek case-by-case guidance due to compliance uncertainty. We support streamlining, provided the revised rule continues to protect against human contact with graywater, cross-connection with potable systems, and runoff onto adjacent properties or into groundwater.

Recommendation: Streamline the rule text, but pair any simplification with a published TCEQ guidance document or best-management-practices bulletin so design professionals retain consistent technical expectations.

2. Subsurface Area Drip Dispersal Systems (30 TAC Chapter 222)

We do not object to shortening §222.5 and §222.45 by incorporating statutory citations by reference, provided the substantive design and dispersal requirements referenced remain unchanged and easily locatable for practitioners.

Recommendation: Adopt as proposed, with a cross-reference table published alongside the rule to preserve practitioner accessibility.

3. On-Site Sewage Facilities (30 TAC Chapter 285)

We support proposed updates to §285.32–§285.35 and §285.81 that would modernize design standards, allow innovative technologies, and clarify effluent disposal requirements, particularly as they affect landscape irrigation tied to OSSF effluent reuse.

Recommendation: Adopt as proposed. We further recommend TCEQ ensure any revised figures and tables in §285.90 and §285.91 are coordinated with reclaimed water design guidance in Chapter 210 to avoid conflicting technical standards between chapters.

4. Water Conservation Plans and Drought Contingency Plans (30 TAC Chapter 288)

This chapter carries the broadest long-term significance for our profession. We agree that the current rules, largely unchanged over 20 years, do not account for desalination, reuse of return flows, climate-adapted landscape design, or modern irrigation technology. However, we are concerned that increased flexibility for individual utilities could result in inconsistent drought triggers and conservation requirements across jurisdictions, complicating consistent irrigation design and code compliance statewide.

Recommendation: ASLA Texas requests the opportunity to participate as a stakeholder in any Chapter 288 rulemaking process. We recommend that revised conservation and drought contingency standards explicitly recognize: (1) climate-adapted landscape design, (2) efficient irrigation technologies, (3) reclaimed water and graywater reuse, and (4) the role of properly designed landscapes in reducing urban heat island effects, managing stormwater, controlling erosion, and improving long-term water efficiency. We further recommend the Commission establish minimum statewide consistency standards for local drought-stage triggers to reduce confusion for practitioners and the public.

5. Water Rights, Procedural (30 TAC Chapter 295)

We support modernizing §295.7 to allow GIS and digital mapping data in place of legacy narrative descriptions of diversion points, dams, and reservoirs, which will improve accuracy and transparency for large-scale projects relying on surface water rights.

Recommendation: Adopt as proposed.

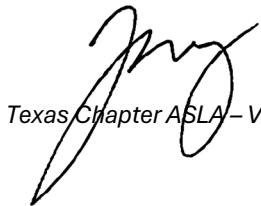
6. General Comments on Implementation

- Professional coordination: Because reuse and irrigation projects typically require coordination among landscape architects, licensed irrigators, professional engineers, OSSF designers, and utility providers, we recommend that any rule revisions preserve clear delineation of professional responsibility rather than introducing ambiguity over compliance ownership.
- Local implementation lag: We note that irrigation review often occurs at the municipal level. Streamlined state rules may not be immediately reflected in local ordinances, creating a transition period of mismatched requirements. We recommend TCEQ coordinate with municipalities and provide model ordinance language to ease this transition.
- Guidance in lieu of prescriptive rules: Where TCEQ replaces prescriptive technical requirements with performance-based or externally referenced standards (e.g., AWWA editions), we recommend the Commission continue to publish accessible guidance so that the removal of rule detail does not reduce practical clarity for practitioners.

Conclusion

ASLA Texas supports TCEQ's efforts to modernize and streamline these rules to improve water reuse and encourage innovation, while maintaining the public health, environmental, and professional safeguards that our members rely on. We ask that the Commission give particular attention to the Chapter 288 rulemaking process, and we welcome the opportunity to serve as a stakeholder resource as these rules are developed. Thank you for your consideration of these comments.

Jonathan Wagner, ASLA, LI



Texas Chapter ASLA – Vice President of Government Affairs