

A draft rule-making petition to the Texas Commission on Environmental Quality

Presented to the City of Austin Environmental Board
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Purpose of Proposed Rule

- Ask TCEQ to add another “tool” to the wastewater toolbox with broad regional support
- Provide “credit” for beneficial reuse to reduce size of wastewater land application fields and storage ponds
- Create a flexible mechanism so that beneficial reuse can be added over time without triggering permit amendments
- Do not require permittee to own or lease beneficial reuse areas to take advantage of the credit
- Do not change requirements for beneficial reuse, except when using beneficial reuse as credit for TLAP

Potential Benefits

- Expand wastewater management options
- Remove barriers to wastewater land application permits expansion by reducing land costs
- Flexibility to accommodate growth as it happens
- Encourage investment in beneficial reuse infrastructure
- Generate new income from sale of reclaimed water
- Reduce need and likelihood of contested permits
- Protect high quality of Hill Country water resources
- Conserve drinking water supplies

Add definition to 30 TAC
[309.11](#) and [222.5](#)

Firm reclaimed water demand means the minimum volume of reclaimed water that can be guaranteed to be beneficially reused over a specified time.

Add new paragraph to [30 TAC 222.121\(d\)\(10\)](#)
Dispersal Zones

(d) the permittee shall include in the dispersal zone design in the engineering report, including the following elements:

(10) the total volume of firm reclaimed water demand.

Add new section 30 TAC 222.128

Reclaimed Water Dispersal Sites

- (1) An applicant that relies upon firm reclaimed water demand to reduce the land required for the subsurface area dispersal system required under this Chapter, shall ensure that the dispersal sites for the reclaimed water have the appropriate authorization under 30 TAC Chapter 210 (*Use of Reclaimed Water*).
- (2) Reclaimed water dispersal sites described in subsection (1) must meet the distance standards set in 30 TAC §222.81 (*Buffer Zone Requirements*).

Add new subsection to [30 TAC 222.43](#) Construction Notices to Regional Offices

(e) The addition or modification of users or areas for firm reclaimed water demand does not constitute field layout or construction under this Section.

Amend and add new section to [30 TAC 222.75](#) Site Preparation Plan

(a) The applicant shall develop and submit, with the permit application, a site preparation plan that illustrates how site preparation will alleviate potential site-specific limitations and ensure suitability for the subsurface area drip dispersal system of wastewater. This plan must include the following if applicable:

(b) A site preparation plan is not necessary for reclaimed water dispersal sites.

Add new subsection to [30 TAC 222.157](#) Soil Sampling

(j) The requirements in this section do not apply to reclaimed water dispersal sites.

Add new section 30 TAC 222.6

Firm Reclaimed Water Demand

- (a) An applicant establishes that reclaimed water demand is firm when the applicant:
- (1) demonstrates to the satisfaction of the executive director that it is able to transfer a specific volume of reclaimed water on a periodic basis;
 - (2) demonstrates a specific amount of reclaimed water use by the applicant.
- (b) An applicant may demonstrate its ability to transfer reclaimed water on a periodic basis when it requires a user to accept a specific amount of reclaimed water by contract or by appropriate regulation.
- (c) Applicant must provide the executive director with a list of users and areas that receive firm reclaimed water demand. If the users or areas change, the applicant is required to provide an updated list within 30 days. A change in user or area is not an amendment to the permit.

Add new section 30 TAC 222.6

Firm Reclaimed Water Demand (cont'd)

(d) Firm reclaimed water demand include the uses described in 30 TAC §210.32 (*Specific Uses of Reclaimed Water*).

(e) Reclaimed water dispersal sites must meet the standards in 30 TAC §222.128 (*Reclaimed Water Dispersal Sites*).

(f) An applicant cannot rely on a transfer of reclaimed water to a user if the user has been found substantially noncompliant, as described in 30 TAC §70.51, within the last five years.

(g) Applicant is responsible for recording the volume of firm reclaimed water demand that is transferred.

Add new section 30 TAC 222.6

Firm Reclaimed Water Demand (cont'd)

(h) If firm reclaimed water cannot be applied to reclaimed water dispersal sites or transferred, the applicant must provide an alternative method to dispose the reclaimed water and provide notice to the regional office.

(i) An applicant and, to the extent applicable, user must maintain its authorization under 30 TAC Chapter 210 (*Use of Reclaimed Water*) during the term of the permit.

(j) A permittee that relies on firm reclaimed water demand must receive an authorization required by 30 TAC Chapter 210 prior to initiating construction or, if already constructed, operating a subsurface area drip dispersal system.

Amend [30 TAC 309.20\(b\)\(3\)\(A\)](#) Hydraulic Application Rate

A water balance study shall be provided as part of a detailed application rate analysis in order to determine the irrigation water requirement, including a leaching requirement if needed, for the crop system on the wastewater application areas. The total volume of effluent to be land applied to dedicated disposal fields may be reduced by the volume of firm reclaimed water demand.

Amend [30 TAC 309.20\(b\)\(3\)\(B\)](#) Effluent Storage

An effluent storage study shall be performed to determine the necessary storage requirements...Storage may be reduced based on the volume of firm reclaimed water demand.

Add 30 TAC 309.20(d)

Reclaimed Water Dispersal Sites

- (1) An applicant that relies upon firm reclaimed water demand to reduce the required dedicated disposal fields or effluent storage required under this Chapter, shall ensure that the dispersal sites for the beneficial reuse have the appropriate authorization under [30 TAC 210 \(Use of Reclaimed Water\)](#)
- (2) Reclaimed water dispersal sites described in subsection (1) must meet the distance standards set in [30 TAC 309.13\(c\)\(1\),\(2\), and \(3\) \(Unsuitable Site Characteristics\)](#) and [30 TAC 222.81\(a\)\(3\) \(Buffer Zone Requirements\)](#)

Add 30 TAC 309.21

Firm Reclaimed Water Demand

- (a) An applicant establishes that reclaimed water demand is firm when the applicant:
- (1) demonstrates to the satisfaction of the executive director that a user will accept a specific volume of reclaimed water on a periodic basis; or
 - (2) demonstrates a specific amount of reclaimed water use by the applicant.
- (b) An applicant may demonstrate its ability to transfer reclaimed water on a periodic basis when it requires a user to accept a specific amount of reclaimed water by contract or by appropriate regulation.
- (c) Applicant must provide the executive director with a list of users and areas that receive firm reclaimed water demand. If the users or areas change, the applicant is required to provide an updated list within 30 days. A change in user or area is not an amendment to the permit.

Add 30 TAC 309.21

Firm Reclaimed Water Demand (cont'd)

- (d) Firm reclaimed water demand includes the uses described in 30 TAC §210.32 (*Specific Uses of Reclaimed Water*).
- (e) Reclaimed water dispersal sites must meet the standards in 30 TAC §309.20(d) (*Land Disposal of Sewage Effluent*).
- (f) An applicant cannot rely on a transfer of reclaimed water to a user if the user has been found substantially noncompliant, as described in 30 TAC §70.51, within the last five years.
- (g) Applicant is responsible for recording the volume of firm reclaimed water demand that is transferred.

Add 30 TAC 309.21

Firm Reclaimed Water Demand (cont'd)

- (h) If firm reclaimed water cannot be applied to reclaimed water dispersal sites or transferred, the applicant must provide an alternative method to dispose the reclaimed water and provide notice to the regional office.
- (i) An applicant and, to the extent applicable, user must maintain its authorization under 30 TAC Chapter 210 (*Use of Reclaimed Water*) during the term of the permit.
- (j) A permittee that relies on firm reclaimed water demand must receive an authorization required by 30 TAC Chapter 210 prior to initiating construction or, if already constructed, operating a wastewater treatment plant.

Add subparagraph to [30 TAC 309.20\(a\)\(1\)](#) Technical Report. Location

- (A) Site Map...
- (B) Site Drawing...
- (C) For the purposes of this subparagraph, the disposal operation does not include the land utilized for firm reclaimed water demand.

Timeline

- Aug 31 Mayors Adler and Purcell convened regional meeting
- Sep 14 First technical workgroup to review rule draft
- Oct 05 Second technical workgroup to review rule draft
- ~Nov Submit rule-making petition to TCEQ
- ~Jan TCEQ responds to rule making

For More Information

Access documents at: <ftp://ftp.ci.austin.tx.us/wre/wastewater/>

<http://austintexas.gov/department/proposed-wastewater-management-rule-revisions>

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