

Under the federal Clean Water Act, TCEQ is charged with preventing wastewater discharges into streams and other natural waters that would degrade the quality of the water in those bodies. The Sawyer-Cleveland draft permit fails to meet that standard and will lead to degradation of water quality in the Long Branch tributary of Barton Creek.

The problem starts with TCEQ's standards for what constitutes unacceptable degradation. These standards are insufficient and unspecific. The problem is compounded by the agency's inadequate modeling of the effect of wastewater discharge on a stream.

TCEQ's predictions for the effects of nutrients (nitrogen and phosphorus) are especially lacking. This has been proven by the miles-long algae growth on the South San Gabriel River that has been caused by discharge from Liberty Hill's sewage treatment plant – a plant that has usually complied with the pollutant limits in its permit. Permit-compliant discharge from Blanco's sewage plant has also caused significant algae growth on the Blanco River.

For the Sawyer-Cleveland plant, TCEQ has attempted to address this problem by including limits of 6 mg/L for total nitrogen and 0.15 for total phosphorus in treated sewage that will be discharged from the proposed plant. TCEQ apparently included these limits because it has decided that they are acceptable for discharge permits in the Hill Country.

TCEQ has included these same numerical limits in the permits that it issued for the Belterra subdivision in 2008 (Hays County WCID 1) and for the city of Dripping Springs in 2019. However, neither Belterra nor Dripping Springs have started discharging sewage into streams; both are disposing of their sewage through land irrigation (TLAP).

TCEQ therefore does not have any actual evidence that these limits (6 mg/l for total nitrogen and 0.15 for total phosphorus) are sufficient to prevent the growth of algae in Hill Country streams such as Long Branch.

TCEQ's standards and modeling also fail to take into account that Hill Country streams have different characteristics than streams in the rest of the state. Hill Country streams generally have rocky channels instead of soil banks, and low or intermittent flow instead of constant flow, which means that they're less able to assimilate the pollutants that remain in treated sewage.

In contrast to TCEQ's lax estimations of the effect on treated sewage on Long Branch, a more rigorous modeling study by the Austin Watershed Protection Department has estimated that even with the nutrient limits in the Sawyer-Cleveland draft permit, discharged sewage from this proposed plant would increase the risk of significant algae growths on Long Branch.

Algae growths don't just cause odor and appearance problems. Algae can also inhibit the use of a stream for primary contact recreation. Several landowners along Long Branch can attest that they swim and wade in the creek.

The Sawyer-Cleveland also has insufficient limits for other pollutants besides nutrients. The limits for CBOD (oxygen depletion), total suspended solids, and ammonia nitrogen are higher than the equivalent limits in the Belterra and Dripping Springs permits. Treating sewage to meet these higher CBOD and TSS limits will not be sufficient treatment to meet the Sawyer-Cleveland permit's nitrogen and phosphorus limits.

The Hill Country Sewage Scorecard, a report issued last fall by Save Barton Creek Association, has shown that most municipal discharge plants in the region fail to stay within their permit limits, and that most of these plants haven't been subject to a formal enforcement action from TCEQ. The report analyzed self-reporting compliance data from 48 municipal discharge plants in the 17 counties of the Hill Country from January 2017 to June 2020. During this period, 81 percent of all plants exceeded at least one of their permit limits, and of these plants, only 22 percent received a formal enforcement action from TCEQ.

Based on the record of these 48 plants, it is reasonable to assume that the Sawyer-Cleveland plant, if built, would also exceed its permit limits, and that TCEQ would fail to take formal action against it.

Finally, a sewage discharge permit for this location is unnecessary. Adjacent and nearby properties either use on-site septic systems, or else pipe their sewage to the nearest municipal sewage system (Austin, Belterra, or Dripping Springs). Neither TCEQ nor Sawyer-Cleveland have shown why a discharge permit is the only option for this property. By allowing this entitlement to be attached to the property, TCEQ is giving preferential treatment to Sawyer-Cleveland at the expense of downstream landowners, who will see a drop in their property value as a result of Sawyer-Cleveland's sewage flowing along the discharge route.

If TCEQ's commissioners approve this permit, it will reinforce a dangerous precedent for the Barton Creek watershed (which includes a federally protected endangered species, the Barton Springs salamander). The agency did not approve any discharge permits for this area before Belterra in 2008. With Dripping Springs and Sawyer-Cleveland (if approved), TCEQ will have given the green light to discharge treated sewage at three locations in this environmentally sensitive area.