Recap of recent steps for Pristine Streams:

Before the February 8th Agenda meeting, the three TCEQ Commissioners individually considered the Contested Case Hearing results for the City of Liberty Hill's wastewater discharge permit, a permit that has caused miles long algal blooms. The Contested Case Hearing's Administrative Law Judge (ALJ) recommended that TCEQ reduce the permitted phosphorus effluent limit to 50 mcg/L – a far stricter limit than the proposed 150 mcg/L limit in the draft permit.

During the meeting, the Commissioners heard from lawyers representing the City of Liberty Hill, lawyers representing "Protestants" (downstream landowners), the TCEQ Executive Director's office and the Office of Public Information Council (OPIC) . Not surprisingly, the TCEQ Executive Director's office continued to state that the draft permit as issued – 150 mcg/L – was sufficient to not cause degradation, even though degradation has continued despite the City achieving the draft permit phosphorus concentration (THIS IS WHY WE HAD TO SHOW UP!). The City of Liberty Hill stated that they had done all that they could do, and imposing an even stricter limit than 150 mcg/L would put them in immediate noncompliance with the permit. The lawyers for the Protestants showed pictures of the clear bottom river upstream, and the algae laden river downstream from the discharge point. They also showed pictures of the river just a few days after the City of Liberty Hill physically removed the thick algal mats – the algae returned, due to the fact that that City continued to discharge high phosphorus wastewater. OPIC agreed that a change in the permit's phosphorus limits should be done.

Rather than simply accepting the ALJ's recommendation, the Commissioners took a different approach. They examined the reasoning the ALJ cited for their specific phosphorus limit. The ALJ chose the 50 mcg/L limit because it was 'doable'. Yet, if TCEQ's purpose in imposing any permit restrictions is to protect the river, it logically follows that restrictions should be based on a concentration of phosphorus that will protect the river from degradation. The Commissioners sent the case back to the ALJ to answer the question – what phophorus limits would protect the river from degradation?

Frustrating as it may seem, this 'step back' is a STEP FORWARD. This is a win for Pristine Streams. Phosphorus concentrations in wastewater effluent drive degradation. The relationship between phosphorus and degradation is NOT linear (more phosphorus, more degradation). Friends of Hondo Canyon reviewed this science with the Commissioners during individual meetings last year. Once you exceed a certain phosphorus level, the stream will be degraded. We believe that critical phosphorus level for any Pristine Stream, like the San Gabriel River, is likely somewhere in the 9-10 mcg/L range. And right now, even the best wastewater treatment plant cannot get the phosphorus concentration reliably below 20 mcg/L. It would take significant dilution from native spring flow to prevent from becoming algae laden, even with the ALJ's proposed phosphorus effluent limits.

The second win yesterday was that the Commissioners voted and unanimously approved a rule change, allowing an applicant for either a direct discharge wastewater permit (TPDES) or a land application permit (TLAP) to concurrently apply for a 210 reuse permit. This saves the applicant time in the permitting process, and brings the issue of beneficial reuse a consideration for all applicants right from the start. Our hope is that this change will encourage applicants to choose beneficial reuse instead of direct discharge into our sensitive pristine streams. We are still working on having better protections in place.

The TCEQ Head Clerk told me that she counted 50 registrations, and then 'stopped counting'. Translation: more 'showed up' to be heard than ever expected. We made a difference yesterday. Thank you for continuing this difficult journey with us.

- Margo Denke, Friends of Hondo Canyon