Linda Griffith

The Greater Edwards Aquifer Alliance is a nonprofit organization dedicated to the protection and preservation of the Edwards and Trinity aquifers, their springs, watersheds, and the Texas Hill Country
that sustains them. Our alliance has 59 member groups across 21 counties in the Texas Hill Country region.
We work in this field to ensure the protection of the health, safety, and welfare of all those who rely on
these sources of water. As such, we appreciate the opportunity to submit the following comments and
questions on this rulemaking.
SB 1145 (89r) directed the TCEQ to adopt TLAP standards specifically for produced water. The legislation
made no mention of general industrial wastewater streams. The Chapter 309 section of the proposed rule, however, refers repeatedly to establishing standards for land application of "industrial waste water,
including produced water." Why has the rulemaking been extended beyond the scope of the legislation
it is intended to implement?
The proposed new waste streams are extremely different than the domestic sewage waste streams currently included in the rules. All limits and specifications are related to nutrient concentrations and
nutrient handing and recycling in the soil and land. Produced water and industrial waste are likely to have
little nutrient content relative to the metals and other contaminant constituents present. Current established design guidance, application limits, etc. are entirely insufficient for the new sources of waste.
Why do the limits and specifications proposed remain relevant only to domestic sewage waste streams
and do not take into account the different constituents present in the industrial and produced streams?
Produced and industrial water waste streams will have specific pretreatment requirements, yet there is
no mention of these requirements in the context of this rulemaking. TLAP application of produced water
should not be considered without specific pretreatment requirements, verification of the incoming waste
stream contents, and significant revisions of the acceptance criteria for water quality of the applied waste
onto the land surface. Why are these specific requirements and revisions not included in this proposed
rule?
Produced water is not equivalent to existing domestic waste streams and it is a significant error to handle
them as if they were. There is no effective remediation of produced water and industrial waste components by applying them to the soil – the existing criteria for safe disposal are inadequate and

highly
unlikely to be protective of surface or groundwater supplies. Why does the proposed rulemaking rely on
soil application for the remediation of produced and industrial waste components?
Furthermore, TCEQ is not currently able to adequately monitor existing TLAP sites much less new and
non-domestic sewage TLAP sites. There is virtually no oversight and most sites are self-regulated by
operators. The rulemaking indicates no cost burden to the transition to TCEQ from the RRC or for the
rulemaking. How can TCEQ accommodate the extra burden of this rulemaking without additional funds
or personnel?
As noted in the language of SB 1145, there is supposed to be a separate establishment of limits associated
with the produced water reclamation and discharge. Instead, there is some reference to a single pilot
study and no mention of establishing specific limits for the pretreatment of these waste streams in the
rulemaking. Why was this step omitted?
At a high level, we agree that if the state is going to authorize the use of produced water for irrigation of
lands and crops, the TCEQ should regulate its use and should adopt water treatment standards. What we
do not agree with, however, is the weak treatment standards actually laid out in this proposed
rulemaking. Produced water should not be treated the same as municipal wastewater. We need much
stricter standards for treatment and more robust testing protocols to ensure our food and water is kept
safe from the constituents found in produced water. There are no long-term, real-world studies that prove
treated produced water can be used to irrigate crops or land safely.
The draft rule proposes 250- to 500-foot setbacks from public and private water supply wells for
application of produced water. Texas counties, in contrast, require domestic waste water treatment
plants to be spaced anywhere from ¼ acre to 5 or 10 acres away from water supply wells. Setbacks for
application of produced water should be consistent with county requirements for separating the use of
produced water from wastewater discharges. At a minimum, TCEQ should require setbacks of one acre
from water supply wells for land application of produced water.
At a more granular level, we have significant concerns about the potential for land application of produced
water over the Edwards Aquifer Recharge and Contributing zones. The Edwards Aquifer is an incredibly
sensitive and prolific karst limestone aquifer, highly susceptible to pollution and contamination.
Regardless of the standards established, and we do hope stricter standards are established, we request
that TCEQ prohibit the land application of produced water over the Edwards Aquifer Recharge and

Contributing zones.
We also request the TCEQ extend the public comment period. TCEQ has not provided the appropriate
public notice or comment period to ensure that concerns are adequately addressed.