

Presentation to the Stakeholder Committee on Draft #3 of the Regional Water Quality Protection Plan

**Development of a Regional Water Quality Protection
Plan for the Barton Springs Segment of the Edwards
Aquifer and its Contributing Zone**

Oak Hill United Methodist Church
January 11, 2005

On-Going Work – Existing Regulatory Programs

- State Federal Programs
 - Clarify/Expand - TCEQ Programs [SHC]
- Local Programs
 - Summary of existing local government WQ regulations within the Planning Region
 - Examples of existing local government WQ regulations, outside the Planning Region, but within the local area.

On-Going Work - Water Quality Threats

- Threats Listed in Draft
 - Expansion of Domestic Wastewater [SHC]
 - Expansion of Groundwater Withdrawal Exceeding Recharge to address additional water supply sources [SHC]
- Addition of “Lack of WQ Controls on Existing Development” [SHC]

On-Going Work – Critical Water Quality Parameters

- Identification of Design Parameters and Monitoring Parameters
 - City of Austin monitoring data
 - USGS monitoring data
- Addition of Preferred Measurement methods for each Critical Parameter
 - Tie to existing test methods used under existing programs and ordinances

On-Going Work – Strategy for Selection

- Provide Scientific Basis for “No Net Increase in CP Discharges” Approach [SHC]
- Justify Need for Site Specific Evaluation [SHC]

On-Going Work – Description of Measures

- Natural Area/Open Space Conservation
 - NA/OSC as mitigation for existing development [SHC]
- Stream Offsets/Buffer Zones
 - Construction (utilities, etc.) in BZ [SHC]
- Nature of Development
 - Characteristics of each type of development
 - Corresponding infrastructure [SHC]
- Site Specific Construction Phase Controls

On-Going Work – Description of Measures (Continuation)

- Restrictions on Harmful Materials
 - Sales/availability controls
 - Use/disposal restrictions
 - Integrated pest/nutrient management
- Public Education
 - Specific local recommendations
- Alternate Water Sources/Uses
 - Replacement of consumptive uses

On-Going Work – Implementation

➤ Implementation Strategy

- Elaborate on need for comprehensive, regional strategy; will not work if some don't implement
- Define procedures for “overlaps”
- Develop procedures for “gaps”
- Incorporate concept of purchase of NA/OSC as mitigation for existing development

On-Going Work – Implementation (Continuation 2)

- Proposed Implementation Mechanisms
 - Recommended changes to existing programs under existing authority
 - Recommendations for new programs, expanded legal authority to implement and enforce
 - Bridging mechanisms – until new, expanded legal authority in-place to implement and enforce

On-Going Work – Implementation (Continuation 3)

- Regulatory Takings/Property Rights
 - Address obligations of development
 - Expand to cover impact of “pollution” [SHC]
- Implementation Schedule
 - Short term – changes under existing authority
 - Long term – new authority required

On-Going Work –Implications

- Funding/Financial Assurance for initial implementation
- Funding/Financial Assurance for O&M
- Enforcement/Oversight
- Impacts of Failure to Protect
- Impacts on private property
- Impacts on public property
- Impacts on future growth/demographics

Responses to Comments

- Do comments go into a “Black Hole”? NO!
- Response Strategy
 - Incorporate
 - Reject
 - Modify/elaborate and incorporate
- Some require significant background to address (e.g. correlative rights, risk analysis)
- Prepare responses to those not incorporated

Distilled Contentious Issue – Standard for Selection of Measures

- No Net Increase v. % Reduction?
 - Basis for Recommendation?
 - Enhance & Maintain?
 - No net increase?
 - Non-degradation?
 - Other?
- Maintain = No Net Increase (Mandatory)
 - Using identified “design parameters”
 - Requiring a demonstration

Distilled Contentious Issue – Standard for Selection of Measures (Continued)

- Enhance – Practices to Improve Current
 - Improvements in management – agriculture
 - Use restrictions (haz. mat., pest., etc.)
 - Public education
- % Reduction (per TCEQ 30 TAC §213)
 - Required 80% red. of addn. load (allows 20%) can result in 20% of 500%, or double pre-dev.
 - Does not address dissolved constituents

Distilled Contentious Issue – Where are the Measures to be Applied?

- Retrofitting of Existing vs. Mitigation
 - Basis for Recommendation
 - New development only?
 - New development and retrofit?
 - Recharge v. Contributing Zones?
 - Basin Specific
- Difficulties of Retrofitting Existing
 - Physical limitations and cost
 - Legal Issues

Distilled Contentious Issue – Where are the Measures to be Applied? (Cont.)

➤ Mitigation

- Proximity: region-wide vs. watershed specific
- Integration with transfer of development rights
- Agreements between various legal entities
- Mechanisms for preventing future development

Issues for January 19th Meeting

- Impervious Cover Limits
 - Basis for Recommendation
 - Net vs. Gross Site Area
 - What to include in Net Site Area
 - Too high, too low or just right?
- Buffer Zones
 - Basis for Recommendation
 - Too high, too low or just right?

Issues for January 19th Meeting (Cont.)

- Mitigation/Conservation Easements
 - Basis for Recommendation
 - Voluntary or Mandatory

Questions/Comments on the Draft Plan



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