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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 19, 2020

Sidney Youngblood, Chairman  
Post Oak Savannah Groundwater Conservation District  
310 East Avenue C  
P.O. Box 92  
Milano, Texas 76556

Subject: July 17, 2020 letter regarding the San Antonio Water System Agua Vista Project

Dear Mr. Youngblood:

Thank you for your letter of July 17, 2020, sharing your concerns about releases of groundwater by the Post Oak Savannah Groundwater Conservation District (District) permit holders. You state that you are concerned about discharges from the San Antonio Water Supply (SAWS) Agua Vista project in April, May and June 2020. You ask if water conservation plans should be strengthened to address such groundwater releases.

SAWS was required to assess the quality and compatibility of the potable water being provided by the Agua Vista (AV) project under the public drinking water rules. Potable water was being supplied from the AV project to the Agua Vista and Bitters Road pump stations. There it was blended with the existing potable water sources. Excess potable AV water was dechlorinated and discharged to Mud Creek at the AV pump station and a concrete storm drain near Highway 281 at the Bitters Road pump station. The TCEQ conducted on-stream observations of Mud Creek during the earlier discharge and SAWS continued to monitor the discharge for offsite impacts and continued to update the TCEQ as the project progressed. On July 15, 2020, SAWS notified TCEQ that discharges of water from the Agua Vista Facility to Mud Creek stopped on June 30, 2020.

The TCEQ recognizes the importance of both groundwater and surface water in Texas. However, this groundwater project falls under Chapter 36 of the Water Code. The District issued the permits to provide the source water for the SAWS Agua Vista project under Chapter 36. Therefore, we express no opinion on whether the release of groundwater to the stream was waste under Chapter 36 or the District rules. TCEQ does regulate state surface water through the water rights permitting process. However, no water right was required for the AV project because surface water was not appropriated or used for it. Thus, the release of groundwater to the stream was not a waste under Section 11.093 of the Water Code that is applicable to state surface water.

As always, TCEQ stands ready to serve as a resource if regulatory reforms are needed to protect the state's water and other resources. If you believe there is a gap in the water conservation planning requirements, we would suggest the District to bring its concern to the Water Conservation Advisory Council's attention. For additional information about the Council, you may contact Texas Water Development Board support staff by email at [wcac@twdb.texas.gov](mailto:wcac@twdb.texas.gov) or by phone at (512) 936-0825.

Mr. Sidney Youngblood

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Should you have further questions for TCEQ, please contact me at [kim.nygren@tceq.texas.gov](mailto:kim.nygren@tceq.texas.gov) or (512) 466-6717.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kim Nygren".

Kim Nygren, Director  
Water Availability Division  
Texas Commission on Environmental Quality

Cc: Jeff Walker, Executive Administrator, Texas Water Development Board  
Karen Guz, Presiding Officer, Water Conservation Advisory Council