Texas Regional Water Planning

Update on Revised 31 Texas Administrative Rules Chapter 357

Sarah Backhouse
Manager, Regional Water Planning
Water Use, Projections, & Planning
Texas Water Development Board

Presented at the Region O RWPG meeting
August 22, 2017

The following presentation is based upon professional research and analysis within the scope of the Texas Water Development Board's statutory responsibilities and priorities but, unless specifically noted, does not necessarily reflect official Board positions or decisions.

Purpose of 2016 Rule Revisions

- Implement legislative changes

- Address stakeholder concerns

- Improve the planning process

- Increase flexibility in planning requirements

- Reduce certain unessential reporting requirements

- Clarify rules and refine definitions

2016 Rule Revision Process

Obtained Preliminary Stakeholder Input

- State agencies
- RWPG members
- Other stakeholders

Proposed Draft Rule Revisions

- Board approved proposal on July 21st
- Published in Texas Register on August 5th
- Comments accepted through September 6th
- Held public hearing on August 24th

Revised and adopted final rules

- Board adopted rules on November 17th
- Rules effective on December 8th

Revised Water User Group (WUG) Definition - §357.10(41)

- Reflects the utility-based planning approach for municipal WUGs

- Sets a new lower, threshold of 100 acre-feet per year provided by the utility

- Privately-owned utilities must provide an average of 100 acre-feet per year across all owned systems

- County-Other definition revised to be consistent

Definitions of WWP and MWP – §357.10(42) and §357.10(19)

Wholesale Water Provider (WWP)

- Eliminates the annual 1,000 acre-foot delivery or sales threshold
- The RWPG will identify the WWPs in its region to be evaluated

Major Water Provider (MWP)

- Significant public or private WUG or WWP
- Designated by the RWPG
- MWP is a category to be used for reporting purposes in regional and state water planning instead of previous WWP-based reporting requirements

WMSPs and Prioritization of Projects - §357.10(39) and §357.46

Water Management Strategy Project (WMSP) = a water project that has a capital cost and when implemented, would develop, deliver, or treat additional water supplies or conserve water for **WUGs** or **WWPs**

- May be required to implement a water management strategy (WMS)

- Defined to distinguish from a WMS and to clarify what RWPGs are to prioritize at the end of their planning efforts

- New §357.46 requires each RWPG to prioritize recommended WMSPs for SWIFT

Public Notice Revisions - §357.21

RWPGs may now post notices:

- Online on the RWPGs website, <u>OR</u>

- With each County Clerk in the RWPA

New §357.21(e)

- Pertains to notice for requesting research and planning funds from the TWDB

Existing Surface Water Supply Analysis - §357.32(c)

- Availability requirements for existing supplies of stored and run of river water are split out as §357.32(c)(1) and §357.32(c)(2)

- Evaluation of existing run of river surface water availability for municipal WUGs must be based on the minimum monthly diversion amounts that are available 100% of the time, if it is the only supply for the municipal WUG

Groundwater Availability Analysis – §357.32(d)

- Clearly stipulates that for an RWP to be consistent with a desired future condition, the groundwater availability in the RWP must not exceed the modeled available groundwater (MAG)*

- If there is no groundwater conservation district within the RWPA, then the RWPG will determine the availability of groundwater for regional planning purposes (in response to SB 1101)

*Or as adjusted by the MAG Peak Factor

Texas Water Development Board

MAG Peak Factor - §357.32(d)(3) and §357.10(20)

MAG Peak Factor = a percentage (e.g., greater than 100%) that is applied to a modeled available groundwater (MAG) value reflecting the annual groundwater availability that, for planning purposes, shall be considered temporarily available for pumping consistent with DFCs.

- Developed in response to stakeholder input

- Provides temporary accommodation of increased groundwater demands by accommodating anticipated fluctuations in pumping

- Does **not** limit permitting or guarantee approval of any future permit applications.

- Requires review and approval by relevant groundwater conservation districts, groundwater management areas, and the TWDB Executive Administrator

Additional Rule Changes – New and Revised Definitions

- §357.10(1) – Agricultural Water Conservation *(new)*

- §357.10(3) – Availability *(revised)*

- §357.10(10) – Drought Management WMS *(new)*

- §357.10(11) – Drought of Record *(revised)*

- §357.10(13) – Existing Water Supply *(revised)*

- §357.10(14) – Firm Yield *(revised)*

- §357.10(21) – Planning Decades *(new)*

- §357.10(26) – RWPG-Estimated Groundwater Availability *(new)*

Additional Rule Changes – New and Revised Definitions (continued)

- §357.10(28) – Reuse *(new)*

- §357.10(32) – State Water Planning Database *(new)*

- §357.10(33) – Unmet Water Need *(new)*

- §357.10(34) – Water Conservation Measures *(revised)*

- §357.10(35) – Water Conservation Plan *(revised)*

- §357.10(36) – Water Conservation Strategy *(new)*

- §357.10(37) – Water Demand *(new)*

- §357.10(40) – Water Need *(new)*

Additional Rule Changes (continued)

- §357.22(a) – Impacts on public health, safety, or welfare *(revised)*

- §357.34(c) – Seawater and brackish groundwater WMSs *(revised)*

- §357.34(d) – WMSs and WMPSs must reduce consumption, loss, or waste; improve efficiency; or develop, deliver, or treat additional water supply volumes *(new)*

- §357.35(g)(2) – Management supply factor *(revised)*

Additional Rule Changes (continued)

- §357.50(j) – Unmet municipal needs *(new)*

- §357.51(a) – Amendment petitions *(revised)*

- §357.51(b) and (c) – Unmet needs in major and minor amendments *(revised)*

- §357.51(e) – Substituting alternative for recommended WMSs *(revised)*

- §357.60 – Consistency of RWPs *(revised)*

Questions?

Sarah Backhouse
Manager, Regional Water Planning
Water Use, Projections, & Planning
Texas Water Development Board
Sarah.Backhouse@twdb.texas.gov