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TEXAS WATER UPDATE

POLICY BRIEF

Rainfall is not the only factor critical to meeting future water supply demands. With an expanding population, if Texas is to sustain its strong business climate, economic growth and quality of life, thoughtful and prudent management of the state's water supply is required.

Receding shorelines, closed businesses, "For Sale" signs, lost jobs, and declining property tax revenues are just some of the daily reminders of what can happen if our limited water supplies are not properly managed. These reminders reinforce the real harm that poor management of our water resources can have on the state's drinking water supply, public health and safety, and the economy.

Texas doesn't want photos of empty reservoirs to be used against us with businesses looking to relocate or expand their operations. We don't want to follow in California's footsteps. And we especially don't want our communities to run out of water.

As of March 20, 2015, the Texas Commission on Environmental Quality (TCEQ) lists 59 of the state's public water systems as at risk of running out of water within 180 days or less. Despite recent rains, forecasters are predicting the current drought could become the "drought of record," eclipsing the historic drought of the 1940s and 1950s. According to the Texas Water Development Board, annual economic losses from not meeting future water supply needs could result in income loss of approximately $11.9 billion annually if current drought conditions approach the drought of record, and as much as $115.7 billion annually by 2060, with over a million jobs lost.

This session, several bills are being considered that will help ensure our state water supplies are properly managed. These proposals would allow for the economic impact of water management decisions to be considered; bring greater transparency and public input into water management; provide for up-to-date and accurate water data to be used in water management decisions; and reduce bureaucratic complications when regulators are attempting to manage a water emergency. Below is a brief explanation of these proposals.

An educational resource provided by the Central Texas Water Coalition.

CONSIDER ECONOMIC IMPACT

Currently, the Texas Water Code does not allow for the consideration of personal, local and statewide economic impacts when water management decisions are made by state regulators. In addition to the impact on a region's drinking water, such decisions can have a negative effect on tax revenues, economic viability, business and industry, and job growth.

HB 2308 (Keffer) would amend the Texas Water Code to allow evidence related to economic impact to be considered in water management decisions.

CREATE TRANSPARENCY IN WATER MANAGEMENT

Much of the state's water supplies are currently managed by river authorities. Over the years, river authorities have expanded in size and mission. River authorities governed by appointed boards provide little, if any, public recourse for a citizen or group that has an issue with the entity and there is currently almost no state-level oversight.

SB 523 (Birdwell et al.) / HB 1290 (Keffer) would require river authorities to go through a periodic "sunset" review process in which a state-level commission reviews in great detail how the authority works, with opportunities for input from the public, and publishes a report with suggested changes to policies and procedures.

USE UPDATED SCIENTIFIC DATA

Accurate hydrological data provides the foundation for predictive water modeling that should guide water management decisions. With much of the state experiencing an increasingly drier climate and a corresponding decline in lake inflows, historical hydrological data can no longer be relied upon to provide accurate projections of future inflows. Models must be updated to ensure that current, meaningful information serves as the basis for water management decision-making and planning for the future. Additionally, further investigation and analysis of the diminishing inflows into our lakes is clearly needed so that we can understand and quantify the observed reductions in inflows.

SB 2 (Nelson) / HB 1 (Otto) would provide resources to the TCEQ to conduct additional water availability modeling, water rights permit processing, and technical support and analysis relating to the drought. These critical steps will enable the TCEQ to collect updated hydrological data and incorporate it into models for use in water management decisions.

ALLOW FOR LONGER TERM EMERGENCY ORDERS TO PROTECT THE WATER SUPPLY

When certain water supply emergencies occur, the state is authorized to issue an emergency order affecting water rights to allow the state to manage the emergency. However, these orders are currently limited to a 120-day initial period with one 60-day extension. The requirement for continual extension of emergency orders adds bureaucratic complications that are unnecessary, especially when the circumstances that triggered the emergency action have not changed.

SB 521 (Fraser et al.) would provide the TCEQ with a more efficient process for issuing emergency orders during periods of prolonged drought by extending the initial period for which the agency may issue an emergency permit, order, or amendment to an existing water right to 270 days.

For more information on the Central Texas Water Coalition's Policy Roadmap, please contact Ward Wyatt at wardwyatt.ctwc@gmail.com.