

Texas Regional Water Planning

Update on Revised 31 Texas Administrative Code Rules, Chapters 355 & 357

Elizabeth McCoy

Project Manager

Water Use, Projections, & Planning

Texas Water Development Board

Updated March 2018

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 2017 Rule Revisions

- Implement SB 347 – RWPGs and committees subject to Open Meetings Act and Public Information Act
- Implement HB 2215 – Synchronize the SWP and DFC processes
- Implement SB 1511 – Identify and exclude infeasible WMSs, implement simplified planning, and other requirements
- Make other updates and clarifications to Chapter 357
- Make updates to Chapter 355

2017 Rule Revision Process

Obtained Preliminary Stakeholder Input

- Stakeholder letter issued on August 28, 2017
- Board Work Session held on October 17, 2017

Proposed Draft Rule Revisions

- Board approved proposal on December 7, 2017
- Published in Texas Register on December 22, 2017
- Comments accepted through January 31, 2018

Revised and Adopted Final Rules

- Board adopted rules on March 21, 2018
- Rules effective on April 11, 2018

SB 347: Open Meetings Act (OMA) and Public Information Act (PIA)

- New § 357.12(i) establishes that each RWPG and any RWPG committee or sub-committee are subject to Chapters 551 (OMA) and 552 (PIA) of the Texas Government Code
- § 357.21(a) is amended to establish that each RWPG and any RWPG committee or sub-committee are subject to Chapters 551 and 552 of the Texas Government Code
- § 357.21(b) is amended to add the notice requirement for committee and subcommittee meetings (72 hours)
- Additional information including training requirements are available in the Political Subdivision BMP Guide on the TWDB website

HB 2215: SWP and DFC Processes

- HB 2215 synchronized the SWP and DFC processes – both are now due to be complete by January 5, 2022 and every five years thereafter
- § 357.32(d) is amended to require that groundwater availability in RWPs be consistent with DFCs in the regional water planning area as of the most recent deadline for the board to adopt the state water plan

SB 1511: Excluding Infeasible WMSs

- § 357.12(b) is amended to require RWPGs to perform an analysis to identify infeasible WMSs and WMSPs in the RWP beginning in 2026 RWP cycle
- To be done in conjunction with public meeting to determine the process for identifying potentially feasible WMSs
- New § 357.12(c)(7) requires that infeasible WMSs and WMSPs are to be listed in the technical memorandum
- Amended § 357.51(g) requires RWPGs to amend the RWP to remove infeasible WMSs and WMSPs

SB 1511: Excluding Infeasible WMSs Notice Requirements

- The public meeting to present infeasible WMSs (and the process for identifying potentially feasible WMSs) will be subject to notice requirements in § 357.21(c): 14-day notice and 14-day comment period
- New § 357.21(c)(4)(D) requires that project sponsors of infeasible WMSs and WMSPs receive notice
- New § 357.21(d)(5)(H) requires that project sponsors of infeasible WMSs and WMSPs must be notified of amendments to remove them

SB 1511: Simplified Planning

- § 357.12(e) is amended to allow an RWPG to pursue simplified planning during off-census planning cycles
- Must determine water availability, supplies, and demands and must be no significant changes (new simplified planning option)
- Existing supplies must meet water needs (existing simplified planning option)

SB 1511: Simplified Planning (cont.)

- § 357.12(f) is amended to require completion of technical memorandum; adoption of previous RWP or SWP information, where appropriate; and meet new statutory or other planning requirements
- § 357.10 is amended to add the definition of “Technical Memorandum”
- § 357.12(d) is added to outline review, comment, and approval of simplified planning by the TWDB Executive Administrator
- If not pursuing simplified planning, RWPGs may proceed in plan development

SB 1511: Simplified Planning Hearing and Notice Requirements

- Amended § 357.21(c) requires 14-day notice (and 14-day comment period after) for approval of the technical memorandum
- New § 357.12(g) requires a public hearing on simplified planning decision, subject to a 30-day notice before and a 30-day comment period after (§ 357.21(d))
- New § 357.12(h) requires an RWPG meeting to consider public comments and make final declaration to pursue simplified planning

SB 1511: Other Rule Amendments

- New § 357.11(e)(6) adds State Soil and Water Conservation Board as a non-voting member of each RWPG
- Certain meetings and hearings to be held at a “central location readily accessible to the public”
- § 357.45(a) is amended to require the RWPGs to collect information regarding impediments to implementation of previously recommended WMSs and WMSPs

Other Miscellaneous Changes

- § 357.22(14) is amended to require consideration of water conservation BMPs in RWP development
- § 357.51(e) is amended to clarify the public notice and process for an RWPG to substitute an alternative WMS into its approved RWP
- § 357.44 is amended to expand the required financing assessment to include the role of state financing
- § 357.21(b) is amended to clarify the notice requirement for approving revision requests to draft population and water demand projections (72 hours)

Chapter 355 Amendments

- § 355.91(c) and (d) are amended to clarify that the RWPG's designated political subdivision provides notice of applications for planning funds and responds to TWDB questions about those applications
- § 355.91(e)(7) is amended to clarify that the RWPG conducts the effort to address water supply needs
- § 355.92(b)(1) is amended to clarify eligibility of travel expenses associated with RWPG activities

Questions?

Texas Water Development Board

Elizabeth McCoy

elizabeth.mccoy@twdb.texas.gov