

Water Environment  
Association of Texas

88<sup>th</sup> Texas Legislative Session:

It's Always a Water Session in Texas

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88<sup>th</sup> Legislative Session Update  
March 13, 2023



# 88th Regular Session of the Texas Legislature:

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## Key Dates:

November 8 – Election Day

November 14 – 1<sup>st</sup> day of prefiling

January 10 – 1<sup>st</sup> day of 88<sup>th</sup> Lege

March 10 – Bill Filing Deadline

May 29 – Sine Die – Final Day

June 18 – Veto Deadline



# Interim Issues - TCEQ, TWDB, and PUC under Sunset Review

- TCEQ's Sunset review through mid May 2022.
- TWDB's Sunset review through the end of March 2022.
- PUC's Sunset review between April and November 2022.



88th Texas Legislature

# Sunset this Cycle: Water and Power

(and other agencies, such as Juvenile Justice, Law Enforcement, Cadavers...no, seriously)

## **Commission Member (6 key) Recommendations for TCEQ:**

- **Changes to notice content and publication**
- **Statutory admin penalties up to \$40k/day**
- **Compliance Training and Safety Program in TCEQ's small business/local gov't assistance program.**

## **Commission Member (3 key) Recommendations for TWDB:**

- Performance metrics and goals, project review process improvement plan/prioritization
- Outreach improvements
- SWIFT Advisory Committee renewed for 12 years
- Authorize regional water planning to use drought worse than drought of record as baseline



# 88th Texas Legislature: Senate Water, Ag, and Rural Affairs Interim Report

## Interim Charge: State Water Plan

- TWDB should implement feasibility surveys of the projects in the plan in order to push strategies that have attainable completion dates.
- The committee **recommends investing in new water supply development. The goal of investment would be to reach 6 million acre feet of new water projects in the works in ten years.**
  - **Includes desal, produced water, projects that create NEW water source.**





# 88th Texas Legislature: Senate Water, Ag, and Rural Affairs Interim Report

## Interim Charge: Water Infrastructure

- Research and testimony .... **support the need for water infrastructure funding from the state for small and mid-sized communities.**
- To support the infrastructure effort, the **state should invest in more validation studies for water loss audits at the TWDB.** Additionally, more incentives to complete water loss audits should be applied to encourage better data collection.
- The state should also support the efforts of the **TWDB to provide technical assistance to rural systems when applying for funding.**



# 88th Texas Legislature: Senate Water, Ag, and Rural Affairs Interim Report

Interim Charge: Monitoring Passed Legislation

- **SB 8: The Committee recommends the Legislature continue to fund State Flood Planning at the Texas Water Development Board.** There should also be **additional appropriations for the Texas Infrastructure Resiliency Fund** given that the preliminary plans are already showing a growing need for projects.
- **SB 905 directed TCEQ to develop guidance for DPR projects.** The guidance document will have entities understand the process for such a project prior to application for a permit. This will help the entities in cost and feasibility estimates.
- **SB 601: The Texas Produced Water Consortium at Texas Tech University should continue in administration as there is more work to be done.** The development of pilot projects and adequate testing will continue the quest to find beneficial uses for produced water in the state and reduce the reliance on disposal wells. Additionally, the state should invest in the pilot project administration and lab testing to ensure all scientific protocols are adhered to.



# 88th Texas Legislature: House Natural Resources Interim Report

## **Interim Charge: Water Supply, Wastewater & Flood Infrastructure Review**

- **Add funding to the Flood Infrastructure Fund**
- **Update Water Availability Models (WAMs)**
- **Increase SWIFT funding – target utilities with above average water loss**
- **Utility rates should cover proactive investments for backup power, repairs, asset management**
- **Update state water plan to consider projected droughts, not just “drought of record”**

## **Other Interim Charges: Waters of the US & Groundwater Management (several issues)**





# 88th Texas Legislature: The Priorities and Big 3

- Budget Surplus
- Border Security/  
Law Enforcement
- Education/Voucher Program
- Electrical Grid
- Social/Cultural Issues  
LGBTQ issues, women's health,  
Parental Bill of Rights, Drag shows





# Senate Committees

## New and Familiar Faces

### Senate Water, Agriculture & Rural Affairs Committee

Position

Member

Chair:

[Sen. Charles Perry](#)

Vice Chair:

[Sen. Kelly Hancock](#)

Members:

[Sen. Cecar Blanco](#)

[Sen. Pete Flores](#)

[Sen Roland Gutierrez](#)

[Sen. Nathan Johnson](#)

[Sen. Lois W. Kolkhorst](#)

[Sen. Kevin Sparks](#)

[Sen Drew Springer](#)

Committee  
Meetings held  
Monday Mornings





88th Texas Legislative Session:

# New and Familiar Faces

House Natural Resources Committee

Water Environment Association of Texas

## Position

**Chair:**

**Vice Chair:**

**Members:**

## Member

[Rep. Tracy O. King](#)

[Rep. Ed Thompson](#)

[Rep. Erin Elizabeth Gamez](#)

[Rep Kyle Kacal](#)

[Rep Stan Kitzman](#)

[Rep. Suleman Lalani](#)

[Rep. Will Metcalf](#)

[Rep Four Price](#)

[Rep. Ana-Maria Ramos](#)

[Rep Glenn Rogers](#)

[Rep Erin Zwiener](#)

Committee  
Meetings held  
Monday Mornings







88th Texas Legislative Session:

# New and Familiar Faces

## House Environmental Regulation Committee

### Position

#### Chair:

#### Vice Chair:

#### Members:

### Member

[Rep. Brooks Landgraf](#)

[Rep. R.D. "Bobby" Guerra](#)

[Rep. Keith Bell](#)

[Rep Jay Dean](#)

[Rep Janie Lopez](#)

[Rep. John Kuempel](#)

[Rep. Penny Morales Shaw](#)

[Rep. Thresa "Terry" Meza](#)

[Rep Ron Reynolds](#)





# Bangin' the Infrastructure Drum





# 88th Texas Legislature: The Water Caucus

- Spearheaded by Texas Water Foundation
- Texas' First House Water Caucus
- Mission is to highlight the state's fragile water infrastructure
- 67 (and counting) legislators have signed on
- Bipartisan effort
- Chaired by Rep. Tracy King







# 88th Texas Legislature: The Budget Surplus

Association of Texas

- \$32.7 billion left over from 2022-2023 biennium
- \$10 billion reserved for highway funds and state's rainy day fund
- **Water Caucus + Infrastructure Investment + Budget Surplus = ????**

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## TEXAS SHOULD INVEST IN WATER INFRASTRUCTURE

Texas has an estimated \$32.7 billion surplus heading into its 2024-2025 biennium, presenting a generational opportunity to help Texas invest in water, wastewater, and flood/stormwater projects. A coalition of Texas water associations and key water stakeholders strongly encourages the State to invest in water infrastructure as outlined below. We also strongly support the Legislative Appropriations Requests and exceptional items for the Texas Water Development Board (TWDB), the Texas Commission on Environmental Quality, and the Public Utility Commission of Texas, which point to the critical need for investment in the Texas water workforce.



# 88th Texas Legislature: The Texas Water Fund

**SB 28/HB 10 (Perry/King)** Relating to financial assistance provided and programs administered by the Texas Water Development Board

- Focus on rural and mid-size systems with 150K or less service area
- Focus on developing **New Water** supply sources:
  - Acquisition of water rights from another state
  - Development of infrastructure to transport water from another state
  - Desalination project, including marine and brackish water desalination
  - Produced water treatment plant; and
  - Research into new technology that may lead to the development of a significant new water supply source

SJR – Is a constitutional amendment to create the Water for Texas Fund

**7 million acre-feet of new water supplies  
from sources not previously available in the state by Dec 31, 2033**



# 88th Texas Legislature Licensing Requirements and Workforce

Division of Texas

**HB 1845/SB 650 (Metcalf/Perry)**- Relating to the licensing requirements for certain operators of wastewater systems and public water systems

## **Issue 11: Shortage of Water and Wastewater Operators**

### **A. Brief Description of Issue**

TCEQ's Occupational Licensing and Registration Division (OLRD) has primary jurisdiction over ten occupational licensing programs, including Water and Wastewater operator licenses. Over the last ten years, as the population of Texas has grown, there has been a steady decline in the number of licensed water and wastewater operators per capita in Texas. If this trend continues, Texas will experience a significant shortage of licensed water and wastewater operators.



88th Texas Legislature:

# Transparency and TPDES Notice

**HB 2369 (Kitzman, Stan)** –Relating to publishing on an Internet website notices concerning certain National Pollutant Discharge Elimination Systems permits.





# 88th Texas Legislature: Transparency and Notice – WEAT Legislation, HB 2369

- The idea was generated during stakeholder meetings with the TCEQ discussing TPDES permit turnaround times
- Increases transparency and reduces financial burden on utilities
- Increases turnaround time of permit applications
- Brings TCEQ TPDES notification standards inline with the EPA.
  - Current TCEQ requirements are more expensive and onerous than the federal requirements



88th Texas Legislature

# Transparency and (TPDES) Notice

HB 50/SB 844 (Ordaz Perez, Claudia/Blanco, Cesar) –Relating to the provision by the Texas Commission on Environmental Quality of certain information in a language other than English.

HB 390 (Howard, Donna) – Relating to the Internet broadcast or audio recording of certain open meetings.  
(Refiled from 87th)

HB 622 (Shaheen, Matt) – Relating to the publication of required notice by a political subdivision by alternative media  
(Refiled from 87th)







88th Texas Legislature:

# Transparency and (TPDES) Notice

**HB 657 (Bailes, Ernest)** –Relating to internet posting of notice by governmental entities and representatives as an alternative to newspaper publication of notice. (Refiled from 87th)

**HB 933 (Dutton, Harold)** – Relating to the notice of intent to obtain a permit from the TCEQ. (Refiled from 87th)

**HB 2178/SB 943 (Hunter/Kolkhorst)** – Relating to the publication of notices by a governmental entity on the Internet websites of a newspaper and Texas Press Association





## 88th Texas Legislature: Transparency and Notice

**HB 657 (Bailes, Ernest)** –Relating to internet posting of notice by governmental entities and representatives as an alternative to newspaper publication of notice. (Refiled from 87th)

**HB 933 (Dutton, Harold)** – Relating to the notice of intent to obtain a permit from the TCEQ. (Refiled from 87th)

**HB 4373 (Canales)** – Relating to the procedure by which a regional planning group is required to provide notice of certain public meetings or hearings

**SB 2192 (Hall)** – Relating to the contents of a petition filed with the Commission for Environmental Quality

**HB 2863 (Leo-Wilson)** – Relating to publication of certain notices on the Internet website of a newspaper



# 88th Texas Legislature

## Wastewater Testing and Wipes... Oh My!

SB 2552 (Middleton)- Relating to test gathering requirements for certain wastewater treatment facilities.

### Wipes

HB 2595 (Rosenthal, Jon) – Relating to the advertisement of disposable wipes as flushable



# 88th Texas Legislature

## Contested Case and Permitting

**SB 223 (Campbell, Donna)** – Relating to public meetings held by the TCEQ on permitting of wastewater treatment facilities.

**HB 411 (Collier, Nicole)** - Relating to changes to an application for an environmental permit before a contested case hearing. **(Refile 87th)**

**HB 441 (Lopez, Ray)** – Relating to providing notice to a state representative and senator of an administrative penalty assessed by the TCEQ. **(Refile 87th)**



# 88th Texas Legislature Contested Case, Permitting, and EJ

**HB 934 (Dutton Harold)** – Relating to the definition of "affected person" for purposes of a contested case hearing held by or for the TCEQ regarding certain environmental permit applications. **(Refile 87th)**

**HB 981 (Lopez, Ray)**- Relating to providing notice to a state representative and senator of certain administrative actions of the Texas Commission on Environmental Quality.

**HB 642 (Reynolds, Ron)**- Relating to the establishment of the Texas Environmental Justice Advisory Council



# 88th Texas Legislature Disaster and Climate Planning

**HB 585 (Raymond)** relating to the creation by TCEQ of a plan to protect water treatment facilities from catastrophes

**HB 973 (Zweiner)** relating to the creation and uses of the critical infrastructure resiliency fund and the eligibility of certain water-related projects for state financial assistance

**SB 53 (Zaffirini)** relating to financial assistance by the Texas Water Development Board for backup power generators in economically distressed areas for public water supply and sanitary sewer systems

**HB 57 (Zwiener, Erin)** – Relating to a climate change planning report (Refile 87<sup>th</sup>)

**HB 846 (Reynolds)** – Relating to the creation of the Climate Change Impact Assessment Council





# 88th Texas Legislature Drinking Water

**HB 583 (Raymond)/SB 382 (Zaffirini)** relating to the production by the TCEQ of an annual report on public drinking water supply systems.

**HB 1123 (Gervin-Hawkins)** relating to the adoption of a healthy and safe school water plan by public schools.

**SB 456 (Menendez)** relating to the adoption of a healthy and safe school water plan by public schools. **(Different bill from HB 1123)**



# 88th Texas Legislature Drinking Water

Water Environment Association of Texas

**HB 1612 (Lozano)/SB 594 (Zaffirini)** relating to requirements for the charges for service from public drinking water supply systems

**SB 40 (Zaffirini)** relating to the establishment of a boil water notice alert system.



# 88th Texas Legislature Produced Water and Desal

**SB 1047/HB 2757 (Perry/Tepper)** Relating to funding and activities of the Texas Produced Water Consortium

**HB 3884 (Landgraf)** Relating to the regulation and management of produced water from oil and gas operations

**HB 1889 (Tinderholt)** Relating to a study of seawater desalination processes used in Israel and the feasibility of using similar processes in Texas

**HB 4320 (Shaw)** Relating to the disclosure of certain chemicals included in hydraulic fracturing treatments



# 88th Texas Legislature Funding Ad-hoc

**SB 2182/HB 4742 (LaMantia/Lopez)** Relating to the the provision of financial assistance from the flood infrastructure fund for certain projects.

**SB 2183/HB 3796 (LaMantia/Lopez)** Relating to a task force to analyze the provision of financial assistance from the flood infrastructure fund for the improvement of artificial drainage systems in certain coastal and border regions.



# 88th Texas Legislature Funding Ad-hoc

**SB 2182/HB 4820 (Alvarado/Orr)** Relating to the eligibility requirements for grants under the Texas Commission on Environmental Quality

**SB 2234/HB 4299 (LaMantia/Lopez)** Relating to the provision of financial assistance by the Texas Water Development Board for the development of certain projects in economically distressed areas.

**HB 4256 (Murr)** Relating to establishing and funding a grant program to plug leaking water wells in certain counties.

**SB 2503 (Alvarado)** Relating to the use of money in the Texas infrastructure resiliency fund to finance projects related to natural disaster relief.



# 88th Texas Legislature Funding Ad-hoc

**HJR 167 (Lopez)** – Proposing a constitutional amendment to increase the amount of bonds issued by the TWDB to provide financial assistance for the development of certain projects in economically distressed areas.

**HJR 169 (Clardy)** – Proposing a constitutional amendment for the dedication of certain sales and use tax revenue to special fund established in the state treasury to pay for water infrastructure in the state.





## 88th Texas Legislature Water Reuse Catch-All

**SB 1289 (Perry)** Relating to the disposal of reclaimed wastewater

**HB 3090 (Lalani)** Relating to the authority of a county to maintain a sewer utility

**SB 2541 (Blanco)** – Relating to the establishment and administration of the Water Technical Assistance Consortium by the TWDB



# 88th Texas Legislature TCEQ Sunset Bill

**HB 1505 (Bell, Keith)** relating to the continuation and functions of the Texas Commission on Environmental Quality

- Electronic Posting of Permits on website (at time it's admin complete)/public comment period open after public meeting



# 88th Texas Legislature TWDB and SWIFT AC Sunset Bill

HB 1565/ SB 1351 (Canales/Perry et. al.) relating to the functions of the Texas Water Development Board and the continuation and functions of the State Water Implementation Fund for Texas Advisory Committee

- Feasibility review of certain projects in the State Water Plan
- Regional planning group may plan for drought conditions worse than the drought of record
- Develop performance goals and metrics
- Different standards of review and approval of design criteria for wastewater collection, treatment, and discharge



# 88th Texas Legislature Contract Restrictions

**HB 982 (Toth)** relating to a prohibition on contracts with certain companies that use certain environmental, social, and governance criteria.

**HB 1033 (Tepper)** relating to prohibiting the use of political tests by governmental entities and certain government contracts.



# 88th Texas Legislature

## WAMS and Water Rights

**SB 296/HB 2460 (Perry/King)** – Relating to a requirement that the TCEQ obtain or develop updated water availability models for certain river basins

**HB 874 (Bowers, Rhetta)** – Relating to an exemption to the cancellation of a water right for nonuse.

**HB 2515 (Rogers, Glenn)** – Relating to the repeal of the junior priority of a water right authorizing a transfer of water from one river basin in the state to another river basin in the state.

**HB 5279 (Wilson)** – Relating to the inter basin transfers of state water

**HB 4445 (Gerdes)** – Relating to water loss in water delivery systems for certain municipally owned water utilities.

**HB 4874 (Bailes)** – Relating to notice of a water right amendment filed with the TCEQ regarding a change in purpose of use.



# 88th Texas Legislature

## Water Loss, Water Rates, Water Access...

**HB 4328 (Bell, Cecil)** – Relating to rates established by municipalities for water or sewer service for certain entities

**SB 4328 (Zaffirini)** – Relating to an assessment of the condition of certain water utilities

**HB 4872 (Rogers)** Relating to the reporting of plugging certain wells.

**HB 4891 (Rogers)** Relating to the adoption and achievement of desired future conditions for aquifers by groundwater conservation districts.



# 88th Texas Legislature

## Groundwater

**HB 4872 (Rogers)** Relating to the reporting of plugging certain wells.

**HB 4891 (Rogers)** Relating to the adoption and achievement of desired future conditions for aquifers by groundwater conservation districts.

**SB 2291 (Zaffirini)** Relating to the plugging of abandoned or deteriorated water wells; authorizing a fee



# 88th Texas Legislature

## Groundwater

**SB 2362 (Eckhardt/Blanco/Johnson)** Relating to establishing an advisory board to study surface water and groundwater interaction.

**SB 2379 (Schwertner)** Relating to the definition of the Edwards Aquifer for the purposes of an aquifer storage and recovery project

**SB 2440 (Perry)** Relating to requiring certain plats for the subdivision of land to include proof of groundwater supply

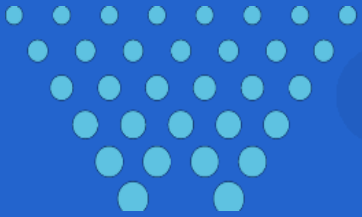
**HB 4444 (King, Tracy)** Relating to the conservation and waste of groundwater





## Water Environment Association of Texas





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