

DRAFT MEMORANDUM

To: Region C Water Planning Group

From: Simone Kiel, Freese and Nichols, Region C Consultant

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Project: NTD-02182, Region C Water Plan

Subject: Policy Issues

This memorandum provides information on policy issues that were recommended in the 2001 regional water plan, documents the status of these policy recommendations, and identifies potential new policy issues that the RCWPG may want to consider for the 2006 plan. In addition, a list of the policy position papers that the TWDB is preparing is attached, along with copies of the completed position papers. The memorandum is intended as a starting point for discussion of policy issues in the region.

The following are the recommendations made in the 2001 plan. The text in italics describes the status of these recommendations or changes in policies since the 2001 plan.

Summary of Recommendations in the 2001 Plan (excerpt from Chapter 6)

The Region C Water Planning Group makes the following recommendations:

- Recommendations related to the Senate Bill One planning process
 - Allow alternative strategies to be designated for near and long term planning needs. *Long and near-term designations are not used for the 2006 update. Alternative strategies are not addressed in the guidelines and it is uncertain if such strategies could be designated during this planning cycle. Further clarification is needed from the TWDB.*
 - Encourage TWDB to exercise discretion in the consideration and approval of funding for alternatives not presented as part of the regional water plan. *No policy changes to date.*
 - Encourage TCEQ to exercise discretion in the consideration and approval of water right permit applications not part of the regional water plan. *No policy changes to date.*
 - Allow regional water planning groups to assume that contracts for water supply will be renewed when they expire. *This was allowed during this planning cycle.*
 - Provide clarification of the impacts of designating a unique stream segment. *Clarification was provided by the Legislature that this designation would only*

prevent State funding of a reservoir. However, there are current TWDB and TCEQ policies that consider the designation of "ecologically unique" streams, which indicate that there still is some uncertainty regarding how this designation will be used in the future.

- Recommendations related to TCEQ policy and water rights
 - Make certain water rights exempt from cancellation for ten years of non-use. *No policy changes to date.*
 - Reduce the regulatory and legislative obstacles to indirect reuse of treated wastewater. *No policy changes to date.*
 - Remove barriers to interbasin transfers of water. *No policy changes to date.*
- Recommendations for state and federal programs to address water supply issues
 - Increase funding for Texas Water Development Board loans and the state participation program to assist with the development of water supply projects. *There have been no funding increases approved by the Legislature. New programs have been created, but total funding levels have not increased.*
 - Accelerate studies of groundwater availability for the Trinity aquifer in North Texas. *The Trinity GAM model has been completed and was provided to Region C in September.*
 - Increase state participation in water conservation efforts. *The Water Conservation Task Force was created by the Legislature and this group has provided guidance to conservation issues. Funding to implement these programs has not been approved to date.*
 - Provide a program for education of board members of Water Supply Corporations, Special Utility Districts, and Municipal Utility Districts.
 - Increase state participation in watershed protection planning.
 - Encourage federal funding for development, maintenance, and upgrading of NRCS structures.
 - Provide state assistance with maintenance and construction of stock ponds.
 - Encourage Texas Department of Agriculture to include water supply questions on its survey of farmers and ranchers.
- Recommendations for ecologically unique river and stream segments
 - Provide clarification of the impacts of designating a unique stream segment. *This was provided by the Texas Legislature, but further clarification may be needed.*
- Recommendations for unique sites for reservoir construction
 - Marvin Nichols I

- Lower Bois d'Arc Creek
- Muenster *This reservoir is under construction and should be completed prior to the issuance of the 2006 plan.*
- Tehuacana

Other issues that the RCWPG may want to consider include:

- Recommend that the TCEQ develop a clearly defined policy regarding permitting for reuse projects
- Recommend that the State agencies recognize established reuse technologies that are capable of treating wastewater effluent to drinking water standards
- Encourage coordination between TCEQ and TWDB regarding use of the WAM models for planning purposes (WAM Run 3 should not be mandated for planning purposes.)
- Encourage State assistance for desalination projects and disposal of reject water
- Provide clear guidance on resolving consistency issues between the regional water plans and regulatory groups, such as groundwater conservation districts
- Allow waivers of the consistency requirements for entities with strategies of less than 500 acre-feet per year.
- Allow consideration of alternative strategies by the RWPGs, and allow a RWPG to approve alternative strategies as an action item at a public meeting without going through the amendment process.
- Recommend that TCEQ is consistent in the permitting requirements for disposal of brine waste for municipal and industrial users.

**Policy Papers for the 2007 State Water Plan (Taken from TWDB website
<http://www.twdb.state.tx.us/RWPG/discussion/default.asp>)**

1. Agricultural Water

- Impacts on water supply and quality resulting from conversion of agricultural lands to urban lands
- Protecting agricultural and rural water supplies, considering economic constraints and competing uses
- Incentives to individual projects, including stock tanks

2. Rural Water

- Improved water use information for irrigation and livestock watering categories
- Quantification of impacts to rural Texans of water transfers (e.g. effects on income, employment, population)
- Use of playa lakes for recharge, considering impacts and constraints
- Conservation of agricultural water for additional agricultural use, urban uses, or for environmental purposes (I.e. how to treat this "new" water)
- **Effects of Safe Drinking Water Act on small water supply systems**

3. Groundwater

- Sustainability and groundwater management
- Linking groundwater and surface water models (see also surface water)
- Rule of capture
- Coordination between Groundwater Conservation Districts and Regional Water Planning Groups
- Standardized methods/policy for determining groundwater availability
- Improving groundwater availability data
- Groundwater export and potential equity issues (e.g. use of export fees)
- Adequate financial resources for districts
- Impacts of Texas Water Code of Sect. 36.121, "Limitation on Rulemaking Power of Districts Over Wells in Certain Counties"
- Abandoned oil and gas wells and water quality impacts
- Conjunctive use of groundwater and surface water (see also surface water)
- Storm water runoff for groundwater recharge purpose (see also surface water)
- Variability of "historical water use" definition

- Clarifying state roles and district roles

4. Surface Water

- International treaty compliance
- Cumulative effects on water availability of exempt water storage facilities (e.g. small rural stock ponds)
- Linking groundwater and surface water models
- **Interbasin Transfers (IBTs)**
- Assessment of the current water resource regulatory system to meet water management needs of the 21st Century
- Conjunctive use of groundwater and surface water (see also groundwater)
- Subordination agreements (including basin-specific assessment of subordination agreements)
- System operation of water facilities (e.g. coordination of multiple reservoirs)
- Reservoir storage reallocation (e.g. from flood storage to water supply storage)
- Water marketing (e.g. water right leases, sales, transfers)
- Competing demands on reservoir operations (e.g. B&E flows, recreation, municipal supply, aesthetics, etc.)
- Watermaster program (e.g. expansion, funding, enforcement)

5. Conservation

- Incentives (e.g. landscaping, and plumbing rebates)
- Retail customer water pricing
- Per capita water use analysis considering commercial and institutional use, income, housing stock characteristics, and geographical location
- Relationship between drought contingency planning and regional water planning

6. Innovative Strategies

- Desalination of seawater and brackish water
- Reuse (including basin-specific assessment of reuse potential and impacts)
- Brush management, including potential impacts on water supply and wildlife
- Groundwater banking
- Planning beyond the current fifty year time horizon
- Weather modification
- Climate change

7. Environmental

- Bays and Estuaries
- **Regional or statewide environmental mitigation system**
- Sustainable growth, including impacts of growth
- Watershed planning/source water protection
- Integrating water quality and water supply considerations
- Instream flows
- Wildlife resources, including threatened and endangered species
- Environmental criteria to measure and maintain a sound ecological environment
- Texas Water Trust
- Unique stream segments
- Invasive species
- Springflow protection
- Environmental water permits

8. Providing and Financing Water and Wastewater Systems

- Incentives for planning implementation
- Regionalized water supply
- Ranking proposals as a component of financial assistance
- Potential funding sources for water supply
- State participation
- Public-Private partnerships

9. Data

- Data for rural areas
- Access to data, including security constraints
- Compatibility of data from different sources
- Linkages of data bases
- Trends in data collection and availability
- Consistent analytical techniques

10. Other Issues

- Education
- **Inter-regional cooperation/Inter-regional water sharing**
- Public involvement
- Security of supply from potential disruptions
- Heritage/Tourism/Recreation/Cultural resources
- Consistency between regional water planning and rules for drinking water systems regarding minimum requirements for water supply

Notes:

1. Policy papers that are available for viewing on TWDB website are shown in bold.

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