

BILL ANALYSIS

C.S.H.B. 2660
By: Puente
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2002, the Texas Commission on Environmental Quality (TCEQ) attempted to survey 502 municipal water suppliers regarding the effectiveness of their water conservation plans required under Section 11.1271 of the Texas Water Code. One hundred twenty-four of the water suppliers were unable to complete the survey with many informing the TCEQ that they were either not aware they had a water conservation plan or could not locate it. Of the 378 that completed the survey, 88 percent did not have a quantifiable water conservation goal and a time frame for reaching it.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 11.1271, Water Code) of this bill.

ANALYSIS

C.S.H.B. 2660 requires that all water conservation plans required under Sec. 11.1271, Water Code, include specific, quantified targets for water savings (including goals for unaccounted for water and goals for municipal use in gallons per capita per day), with the entity preparing the plan establishing those targets.

C.S.H.B. 2660 also requires that the TCEQ and the Texas Water Development Board (TWDB) jointly identify quantified target goals (not enforceable requirements) for water conservation that water suppliers and others may use as guidelines in preparing water conservation plans and jointly develop model water conservation programs for different types of water suppliers.

C.S.H.B. 2660 further requires that TCEQ modify its rules establishing criteria and deadlines for submission of water conservation plans to include any required amendments to those plans and the submission of implementation reports.

C.S.H.B. 2660 also applies the required changes to water conservation plans to Chapters 15 and 17 of the Water Code. The substitute further provides that the TCEQ and the TWDB shall take the actions required by this Act not later than September 1, 2004.

C.S.H.B. 2660 also provides that the changes in law made by this Act apply to a holder of an existing permit, certified filing, or certificate of adjudication as described in the Water Code, regardless of whether the permit, certified filing, or certificate of adjudication is obtained before, on, or after that date. Changes in law made by this Act relating to Chapters 15 and 17 of the Water Code, apply only to applications for financial assistance filed with the Texas Water Development Board on or after the effective date of this Act.

EFFECTIVE DATE

The Act takes effect upon passage, or if the Act does not receive the necessary vote, the Act takes effect

on September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2660 changes the date by which water conservation plans must have targets for water savings from January 15, 2005, to May 1, 2005. The substitute also deletes requirement for 3-year target goals for water savings and maintains the 5-year and 10-year goals for water savings. Further, the substitute changes the term “unaccounted for water” in the target goals to the term “water loss programs” and changes the date by which TCEQ and TWDB must take all actions necessary to comply with this Act from not later than January 1, 2004 to not later than September 1, 2004.

C.S.H.B. 2660 also changes the original by adding the language amending Chapter 11 of the Water Code to amend Chapters 15 and 17 of the Water Code. This change applies the requirement for target goals for water savings in this Act to water conservation plans which are required as a condition for obtaining financial assistance from the TWDB, as well as water conservation plans required to be submitted to the TCEQ.