

BILL ANALYSIS

S.B. 1132
By: Hegar
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In order to meet the growing water needs of Texas residents, the state will have to use water efficiently as well as look for other alternatives for water supplies such as building new water reservoirs. The Allens Creek Reservoir is a proposed reservoir on Allens Creek, a tributary of the Brazos River located near the city of Wallis in Austin County. The reservoir will provide 95,000-100,000 acre-feet of firm water supply per year. It is a joint project between the City of Houston and the Brazos River Authority (BRA) with the city owning 70 percent of the project and BRA owning 30 percent. The permit to appropriate state water, Permit No. 2925, was issued to the Texas Water Development Board (TWDB) by the Texas Natural Resource Conservation Commission (TNRCC) (predecessor agency to the Texas Commission on Environmental Quality) on September 1, 1999, and contained dates by which the project was to commence and by which construction of the dam and reservoir authorized in the permit were to be completed. The current deadline for commencement on the project is September 1, 2018. S.B. 1132 extends the deadline for commencement of construction of the project to September 1, 2025.

S.B. 1132 amends current law relating to the water rights permits issued to the Texas Water Development Board for the Allens Creek Reservoir.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 1.02(b), Chapter 1291, Acts of the 76th Legislature, Regular Session, 1999, as follows:

(b) Requires the Texas Natural Resource Conservation Commission (TNRCC), upon application by the Texas Water Development Board (TWDB) pursuant to Section 11.1311 (Approval of Certain Applications Without Hearing), Water Code, to reissue without notice or hearing Water Appropriation Permit No. 2925 previously issued for the Allens Creek Reservoir. Requires that the permit be issued in the name of TWDB and requires it to have a priority date of September 1, 1999. Requires that the date to commence construction of the reservoir be not later than September 1, 2025, rather than September 1, 2018. Authorizes TNRCC to extend such time for beginning of construction for good cause.

SECTION 2. Amends Article I, Chapter 1291 (S.B. 1593), Acts of the 76th Legislature, Regular Session, 1999, by adding Section 1.06, as follows:

Sec. 1.06. (a) Provides that Time Limitation No. 7.a., Permit No. 2925A, which was issued to TWDB by TNRCC, the predecessor agency to TCEQ, is amended to require that construction of the Allens Creek Reservoir commence on or before September 1,

2025, and be completed not later than the fifth anniversary of the date construction of the reservoir commences.

(b) Requires TCEQ, not later than September 1, 2011, to reissue Permit No. 2925A, as amended by Subsection (a) of this section.

SECTION 3. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.