

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 18, 2017

The Honorable Joe Straus  
Texas House of Representatives  
Capitol Station  
PO Box 2910  
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 3677, as Filed by Representative Jason Isaac - relating to the creation of the Heart of Texas Aquifer District and the dissolution of certain groundwater conservation districts; providing authority to issue bonds; providing authority to impose assessments, fees, or surcharges.

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Wilson".

Kim Wilson, Director  
Water Availability Division

cc: The Honorable Lyle Larson, Chairman, House Natural Resources Committee  
Representative Jason Isaac, Texas House of Representatives

Enclosure

**HB 3677, as Introduced by Representative Jason Isaac  
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

House Bill 3677, as authored by Representative Jason Isaac, would create the Heart of Texas Aquifer District (Aquifer District) with the powers and duties of Water Code, Chapter 36 related to the general law for groundwater conservation districts (GCDs). The Aquifer District territory includes all of Blanco, Burnet, Comal, Hays, and Kendall Counties, except those territories of the Barton Springs-Edwards Conservation District, the Edwards Aquifer Authority, and Plum Creek Conservation District. The Aquifer District consolidates the Blanco-Pedernales GCD, Central Texas GCD, Comal Trinity GCD, Cow Creek GCD, and the Hays Trinity GCD. The purpose of the Aquifer District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution. Creation of the Aquifer District is not subject to a confirmation election.

**Comments on Powers/Duties Different from Similar Types of Districts** – Unlike general law GCDs, the bill provides that, not earlier than September 1, 2018, and not later than December 1, 2018, each of the districts shall transfer the districts (GCDs) assets, debts, and contractual rights and obligations to the Aquifer District and provide notice and make recordings of the transfers under this section as required by the Water Code, Property Code, and other law. On December 1, 2018, the powers, functions, and duties of the districts (GCDs) are transferred to the Aquifer District.

Unlike general law GCDs, the bill provides that before December 1, 2018, the board of directors of the Aquifer District may not take any regulatory action under Chapter 36, Water Code, however shall adopt rules for the administration of the Aquifer District under Chapter 36, and may hire employees of the Aquifer District. On and after December 1, 2018, the districts have no authority to take any action under Chapter 36, Water Code.

Unlike general law GCDs, the bill provides that not later than September 1, 2018, the county commissioner's courts of Blanco, Burnet, Comal, Hays, and Kendall Counties each shall appoint a member of the board of directors for the Aquifer District.

**Overlapping Services** – The boundaries of the Aquifer District include all of Blanco, Burnet, Comal, Hays, and Kendall Counties, except those territories of the Barton Springs-Edwards Conservation District, the Edwards Aquifer Authority, and Plum Creek Conservation District. The Aquifer District territory consolidates the territories of the Blanco-Pedernales GCD, Central Texas GCD, Comal Trinity GCD, Cow Creek GCD, and the Hays Trinity GCD. After January 1, 2019, these GCDs will be dissolved and will have no overlapping authority with the Aquifer District. Because the portion of the Trinity Glen Rose GCD territory in Kendall and Comal Counties was not excluded from the territory of the Aquifer District, the Aquifer District will overlap the boundaries of the existing Trinity Glen Rose GCD in Kendall and Comal Counties.

The functions of the Aquifer District do not conflict with services provided by other types of water districts or utilities except the overlapping portion of the Trinity Glen Rose GCD in Kendall and Comal Counties.

**TCEQ's Supervision** – As with general law GCDs, the TCEQ will have general supervisory authority, including bond review authority and authority as it is related to the District's development and implementation of a management plan; the District would not have to comply with TCEQ financial auditing requirements.

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

HB 3677

Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

3/14/2017

Date transmitted to  
Governor's Office



Chief Clerk  
House of Representatives

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

March 24, 2017

Date transmitted to  
Texas Commission on Environmental Quality



Governor

TO: The Honorable Speaker of the House  
The Honorable President of the Senate  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality



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