

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

May 4, 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) 4308, as Filed by Representative Wayne Faircloth - Relating to the Gulf Coast Waste Disposal Authority and expanding the territory and powers of the authority; authorizing fees and the issuance of bonds.

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.

The bill makes several changes to Chapter 409, Acts of the 61st Legislature, Regular Session, 1969; Language is revised throughout the Act that revises the "Chambers, Galveston, and Harris Counties" area to read "the upper Gulf Coast region in this state"; Section 1.01 is amended by adding a subdivision that specifies that the purpose of the Act is to establish an instrumentality for operating and maintaining a coastal barrier constructed with federal funds to protect the upper Gulf Coast region in this state from hurricane-induced storm surges; Section 1.02 is amended by adding a subdivision that specifies that the territory in the upper Gulf Coast region in this state is vulnerable to damage from hurricane-induced storm surges and that granting the Gulf Coast Waste Disposal Authority the power to operate and maintain a coastal barrier constructed with federal funds would advance the public purpose of protecting the upper Gulf Coast region in this state from hurricane-induced storm surges; Section 1.03(a) is amended by adding a subdivision that specifies that on the date the authority adopts a resolution under Section 3A.01 of this Act stating that the requirements of that section have been met, the authority's territory consists of Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange Counties; Section 2.03 is amended by adding subdivisions related to the operation of the board; Section 2.05 is amended by adding subdivisions related to directors; Section 2.17 is amended by adding subdivisions that specify that the Coastal Spine Advisory Board shall advise the authority board during the construction of a coastal spine that is to be operated and maintained by the authority on matters related to the operation and maintenance of the coastal spine; Section 3A is added which relates to federal funding and finding of sufficient revenue, general powers and

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duties, use of funds, master plan, acquisition, contracts, agreements, power to regulate navigation, and other powers; and, Section 5.10 is amended by adding a subdivision that specifies that a corporation created by the authority under Section 3A.09 or 3A.10 of this Act may issue a security with a condition that the corporation's obligation to pay interest or repay the principal is deferred or forgiven if the corporation suffers a loss from a particular predefined catastrophe.

Sincerely,

A handwritten signature in cursive script that reads "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Jim Murphy, Chairman, House Special Purpose Districts Committee
Representative Wayne Faircloth, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 4308


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.

4/7/2017

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.

April 7, 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



85R HB 04308