

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Natural Resources
For SB 28

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Hearing Date: April 18, 2023 8:00 AM

Ken Kramer
Self
Chappell Hill, TX

My name is Ken Kramer, and I am submitting these comments ON the enrolled version of SB 28. I have 45+ years of experience working on water resources and environmental policy matters in Texas. I serve on the Region H Water Planning Group as the “public representative” and am a member of other stakeholder committees and organizations active on water issues. However, these comments are made solely on behalf of my self and none of those entities.

While I recognize and in general support the need in Texas for new or replacement water supply, wastewater, and flood management facilities – both structural and nonstructural – I have serious concerns about several provisions in the enrolled version of SB 28, primarily Section 1 of the bill. Specifically, Section 1, which creates a “New Water Supply for Texas Fund:”

- Limits use of the fund (aside from research grants) to certain types of water supply projects, some of which are dubious or unrealistic, and does not make the fund available for other purposes such as water reuse projects, aquifer storage & recovery, and nature-based solutions for maintaining or enhancing water supplies
- Allows the fund to be used for acquisition of water (water rights? Or physical acquisition? Or both?) from other states and transport of that water – an idea that has been proposed for over 50 years and turned down by Texas voters, not to mention opposed by people in other states from which the water would be sought
- Allows the fund to be used for marine water desalination even though TX does not have numeric criteria for coastal salinity gradients to protect marine life from discharge of brine and other constituents and even though such discharges threaten the state’s highly productive bays and estuaries
- Allows the fund to be used for produced water projects even though studies and pilot projects have not been completed nor specific standards adopted to ensure that the use of produced waters for various water supply purposes would be safe for public health and the environment (or economically feasible)
- Sets an unrealistic and unnecessary goal of acquiring or “creating” 7 million acre-feet of water per year within a decade by the identified methods – even though the current state water plan does not foresee the demands for that volume of water until at least the decade beginning 2070, the push for such a volume of water within 10 years is likely to lead to projects of questionable design and quality, environmental impacts of projects are unlikely to be fully evaluated, and the possible creation of that much water would likely undercut any significant efforts to enhance water conservation and more efficient use of water supplies
- Does not require that projects funded be water projects recommended in the respective regional and state water plans (which is a requirement for the SWIFT / SWIRFT program) - SB 28 just has a vague TWDB shall consider "the relationship of the project to the state water plan" provision

Annalisa Peace
Greater Edwards Aquifer Alliance
San Antonio, TX

The Greater Edwards Aquifer Alliance is neutral on SB 28. While we appreciate the need for financial assistance for programs aimed at increasing the state's available water supplies, we believe that these funds might be better spent on the following:

* Reducing water loss in public water supply systems - According to a study release by the Texas Living Waters Project, "Texas is Losing an Average of Over 50 Gallons of Water Per Connection Every Day". GEAA found this to be true in working with under-resourced rural communities pumping from the Edwards Aquifer, some of which had water losses as high as 70% of the water they pumped from the Edwards.

* Financing water reuse systems to encourage the beneficial use of waste water - Where appropriate, the state should be doing all it can to foster water reuse in new residential developments. Encouraging the integration of purple pipes into new subdivisions in Texas' high growth areas could provide a significant source of water that would reduce dependence on ground and surface water resources for residential irrigation, would not be subject to drought restrictions and, in the case of the state's forty-eight "pristine streams", could enhance protection of these waterways by directing wastewater to be used beneficially through land application. We should consider public financing of projects that would transform "waste" water into an asset.

In our opinion, the abovementioned options would provide more certain water supplies that could be more readily available and are more practical than some of the options preferred for funding in SB 28. We believe we should be making the most of the water we are wasting before seeking to import water from other states.

Thank you for the opportunity to submit these comments.

Respectfully,

Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance

Vanessa Puig-Williams
Environmental Defense Fund
Austin, TX

Environmental Defense Fund (EDF) is pleased to provide testimony in support of SB 28. EDF commends Chairman Perry and Chairman King for leading efforts to shore up Texas' water supplies and water infrastructure.

EDF supports the development of new water supplies in Texas to address the state's water security challenges. We urge the Committee to consider all water that is not currently being used as a new water supply. For example, reclaimed municipal wastewater can be treated and used for both potable and non-potable purposes. Aquifer Storage and Recovery (ASR), managed aquifer recharge and other nature-based infrastructure projects can take excess rainwater and stormwater to store for future use or to recharge aquifers. These water sources can be used to offset freshwater use and provide a new input into the water supply system that is not currently being relied upon, helping to meet the 7 million acre feet water supply goal that SB 28 establishes. EDF urges the Committee to include projects like these as eligible projects under the new water supply fund that SB 28 creates.

Finally, EDF cautions that for produced water projects eligible for funding under the new water supply fund, the projects do not get ahead of the excellent work of the produced water consortium in developing pilot projects and potential regulatory framework for the reuse of produced water. We recommend that before funding be awarded for a produced water reuse project, that a study be conducted to ensure public health and the environment are protected.

Thank you for your consideration.

Heather Nick

American Planning Association - Texas Chapter

Tyler, TX

My name is Heather Nick, and I represent the American Planning Association – Texas Chapter, and we are supportive of SB 28. The Texas Chapter of the American Planning Association (APATX) represents public and private sector planners, planning academics and students, elected officials, and citizen planners in the great state of Texas.

As everyone understands, water is a critical resource for our state, and it is essential that we take steps to ensure that we have enough water to meet our growing needs.

As was evident in the adopted TWDB 2022 State Water Plan, our population is projected to increase 73 percent between 2020 and 2070, from about 30 million to over 50 million people. At the same time, the projected demand for water will outstrip existing and projected water supplies. This is even more so problematic when one factors in climate change which is already exacerbating droughts by making them more frequent, longer, and more severe. This means that we will not be able to adequately serve our future Texas population without thinking and acting differently.

The creation of a new water supply fund would provide a dedicated source of funding for projects that are essential for the future of our state. This would include projects to acquire water from other states, develop new transport infrastructure, invest in desalination projects, and research into new technologies which may lead to the development of new water supply sources. By providing this funding, we can ensure that our state has the resources that it needs to secure a reliable water supply for our growing population.

In conclusion, I urge you to support the enactment of legislation that creates a new water supply fund. This is a critical issue for the future of our state, and we must take action now to ensure that we have the resources that we need to meet our growing water needs.

Respectfully submitted,

Heather Nick, AICP, MPA

Chapter President, APA Texas Chapter

Larry Linenschmidt
Self - Non-profit Executive
Austin, TX

Water for Texas is an important part of maintaining the viability of our State for life and continuing the Texas Economic Miracle. I am for this bill and hope it receives \$5 billion in funding. I also request The Committee and the full Legislature consider the importance of the financial soundness of the Texas State Pension Funds to this Bill. The credit rating of the State of Texas will be negatively impacted if our pension fund deficit, listed by Comptroller Heger at \$75 billion recently, is not reduced now and a plan put in place to continue to reduce the deficit over time. Our budget surplus and the Texas Economic Stabilization Fund provide a once in a lifetime opportunity to allocate \$5 billion in support of SB 28 and \$5 billion to shore up the State Pension Funds, as well as maintaining ongoing funding for other water projects and the State Pension Funds.

Water issues for the State of Texas include aging and leaky infrastructure, drought, flooding, extremes of weather due to the impact of climate change, diminishing groundwater levels, population growth, and pollution from unplugged oil and gas wells of both groundwater and surface water.

Regarding saltwater distillation, which is one source of water addressed in SB 28, please be cognizant of the importance of the bays and estuaries of Texas for fish, shrimp, mussels, crabs, birds, and other wildlife. Many Texans make their living from harvesting the sea life which lives and breeds in the Texas bays and estuaries. The economic impact of tourism is important for our Gulf Coast residents. Please modify SB 28 to be specific that concentrated brine from saltwater distillation is put out far enough past the bays and estuaries to not cause harm to the sea life in these sensitive areas and economic damage to the Gulf Coast residents.

There are thousands of abandoned oil and gas wells in Texas which are not plugged. The operators are either not financially viable or are simply not plugging the wells. A well which did not produce oil or gas does not come under the authority of the TRRC, which has the authority to plug abandoned wells. The TCEQ does not have the authority to plug those wells. In many cases, the water comes to the surface and destroys pastureland and kills cattle. In the case of Lake Boehmer, in Pecos County, a continuing leak from an oil and gas well has created a toxic lake of over sixty acres. Across the road, rancher Schuyler Wight has around 100 abandoned wells on his property, and several of those wells have disgorged polluted, toxic water which destroys pastures. Please address this issue by giving the TRRC authority to plug abandoned wells which did not produce oil or gas to save the groundwater of Texas from the continuing contamination of abandoned oil and gas wells.

Larry Linenschmidt
Executive Director, Hill Country Institute
Host, Hill Country Institute Live: Exploring Christ & Culture
Volunteer, Citizens' Climate Lobby
Partner, Evangelical Environmental Network

Linda Curtis, Director
League of Independent Voters of Texas
Bastrop, TX

We share concerns raised by the Sierra Club about the need to better understand the chemical components in produced water before we spend a lot of money using it. We assume you can figure out the brine issue, but hope that is not an unreasonable assumption. Thank you.

Becky Smith
Clean Water Action
Houston, TX

My name is Becky Smith. I am the State Director of Clean Water Action and represent both myself and our roughly 18,000 members in Texas. I am commenting ON the version of SB 28 as it passed out of the Senate.

While we recognize the need for ongoing water supply, wastewater provision, and flood management across a state whose water profile needs vary greatly by region, we have grave concerns with some of the approaches outlined in SB 28, as well as concerns for what is NOT included.

We ask that you please consider the following suggestions for amendment:

1. Please make funding available for projects that include water reuse, nature-based solutions sometimes known as LID or "Low Impact Development" approaches, and aquifer storage and recovery;
2. Do not allow use of the fund for acquisition and transportation of water from out of Texas;
3. Do not allow funds to be used for marine desalination as our regulatory capability is not yet far enough along in development to truly protect bays, estuaries, and other receiving waters;
4. Do not allow funds to be used for "produced water" projects as, like marine desalination, our regulatory capacity is not yet able to prove protective for public health and the natural environment;
5. Remove goal of creating 7 million acre-feet of "new" water, but rather require that any project funded from the new fund demonstrate compliance with water conservation and water loss goals in order to achieve the need for "new" water from what we already have.

It is a fact, and not only in Texas, that many of our water systems lose in infiltration and inflow due to aging and crumbling infrastructure and lack of updated efficiency measures that would greatly reduce the need for seeking costly and damaging "new" water resources before we use what we have already paid and worked to establish.

Thank you for the opportunity to comment.

Becky Smith, Clean Water Action