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Re: Public Comments on the Draft 2027 Texas Nonpoint Source Management Program

Sierra Club Lone Star Chapter, representing more than 21,000 members across Texas, submits the following comments to the Texas Commission on Environmental Quality (TCEQ) and Texas State Soil and Water Conservation Board (TSSWCB) in response to the request for public comment regarding the [Draft 2027 Texas Nonpoint Source Management Program](#).

As the nation's oldest and largest conservation organization, Sierra Club has been committed to environmental stewardship for many years. Since its establishment in 1965, the Sierra Club Lone Star Chapter has been actively involved in addressing water quality issues in Texas.

The [EPA's 2024 Nonpoint Source Program and Grants Guidelines for States and Territories](#) establishes the framework that states must follow to remain eligible for Clean Water Act Section 319 funding, and we recognize that these guidelines provide the foundation for the Texas NPS Management Program. At the same time, we'd like to point out that these guidelines don't prevent Texas from establishing stronger priorities, accountability measures, and implementation strategies that reflect the state's unique water quality challenges. ***With hundreds of Texas water bodies affected, at least in part, by nonpoint source pollution, the purpose of this revision should not simply be to maintain eligibility for federal funding. It should also be to ensure that the program continues to evolve as the state's water quality challenges evolve.***

We outline our specific comments below and appreciate the opportunity to contribute our input.

Impacts of changing climate on water quality are not integrated as a priority in the Draft 2027 NPS Management Program.

The EPA's 2024 Nonpoint Source Program and Grants Guidelines for States and Territories significantly expanded the role of climate resilience in state nonpoint source programs. In fact, increased "focus on planning for changing climate conditions, including a new emphasis on the climate adaptation and resiliency co-benefits provided by common NPS best management practices" has been specifically highlighted among the notable inclusions listed in the "Preface" section of the [EPA's 2024 Guidelines](#).

The EPA Guidelines call on states to incorporate changing climate conditions into watershed planning, project selection, BMP design, and implementation, recognizing that management decisions based "solely on current watershed conditions can result in failure to address the increasing water quality or quantity problems that may accompany severe or even modest climate change impacts" ([Section 4.3, Developing Resilient and Inclusive WBPs](#)). EPA also emphasizes that BMPs should be designed to be climate resilient and that watershed projects should advance climate resilience goals ([See Section 7.9.2, Co-benefits](#)).

We appreciate TCEQ and TSSWCB recognizing that drought and flooding are affecting water quality in Texas by concentrating pollutants, increasing water temperatures and salinity, reducing dissolved oxygen, and transporting various pollutants into Texas waters. However, the 2027 Draft doesn't explain how these impacts of changing climate on water quality will influence watershed prioritization, project selection, BMP implementation, or program performance measures. In fact, the word "climate" doesn't appear in the 2027 Draft at all.

Given that this document is intended to guide Texas NPS Management Program for the next 5 years, changing climate conditions should be reflected not only in the problem statement, but also in how the program prioritizes, funds, and implements water quality improvement efforts. Sierra Club recommends that TCEQ and TSSWCB revise the 2027 Draft to integrate climate resilience throughout implementation by incorporating future climate conditions into watershed prioritization, project selection, BMP implementation, and performance measures, consistent with the EPA's 2024 Guidelines. Specifically, Sierra Club requests clarification on the following:

- How will projected changes in rainfall, flooding, drought, temperature, and other water quality stressors associated with climate change be incorporated in watershed assessments and watershed planning?
- Will climate vulnerability be considered when selecting and prioritizing Priority Waters?
- How will TCEQ and TSSWCB evaluate whether proposed BMPs are expected to remain effective under changing climate conditions?
- Will Texas consider climate resilience during project selection for Section 319 funding?

- How will the Texas NPS Management Program assess and report progress toward improving climate resilience while achieving water quality goals?

Greater transparency is needed for milestone projections listed in Appendix C.

Appendix C presents projected implementation milestones for the 5-year planning period. The table notes that milestone estimates are based on projected future CWA Section 319(h) grant commitments. But it doesn't explain the assumptions behind notable changes in individual milestone categories or how those changes support the long- and short-term goals of the Texas NPS Management Program.

According to the information presented in Appendix C, several milestone categories are projected to noticeably decline over the planning period. Watershed characterization projects decrease from 3 to 2 annually, watershed protection plan (WPP) development projects decline from 8 in 2027 to 3 beginning in 2030, TMDL I-Plan implementation projects decrease from 8 to 3, NPS load reduction projects decrease from 26 to 16, and effectiveness monitoring projects decrease from 15 to 10. In addition, no TMDL or I-Plan development projects are planned during the 5-year planning period. It's unclear from the 2027 Draft why implementation is expected to decrease in several program areas or how these projections support the stated goals of protecting and restoring water quality across Texas.

Sierra Club requests further clarification in regard to the information presented in Appendix C, including:

- Beyond projected Section 319(h) grant commitments, what assumptions were used to develop the milestone projections?
- Why are watershed characterization milestones expected to decline over the planning period?
- Why are WPP development milestones expected to decline?
- Why are TMDL I-Plan implementation milestones expected to decline?
- Why are NPS load reduction milestones expected to decline?
- Why are effectiveness monitoring milestones expected to decline?
- Why are no TMDL or I-Plan development milestones projected during the planning period? Are these activities expected to occur through another program or funding source?
- How do the projected implementation levels support the long- and short-term goals of the Texas NPS Management Program, and how will progress towards those milestones be evaluated?

More emphasis is needed on implementation in disadvantaged, underserved, and overburdened communities.

EPA encourages states to ensure that disadvantaged, underserved, and overburdened communities are represented in watershed planning, consider communities experiencing disproportionate water quality, climate-related, and socioeconomic impacts when prioritizing implementation, and document activities that provide environmental benefits and build local capacity. The EPA's 2024 Guidelines also encourage states to describe equity and environmental justice activities in annual program reporting.

While Component 5 in the 2027 Draft states that "the state supports capacity-building in disadvantaged, underserved, or overburdened communities", beyond this statement, the 2027 Draft provides little information about how these communities will be identified, engaged, or prioritized during program implementation. Terms such as "equity" and "environmental justice" don't appear anywhere in the Draft, and no implementation strategies, priorities, or performance measures are described for these communities.

We believe that this is a significant omission because many Texas communities most affected by NPS pollution also have the fewest resources to participate in watershed planning, compete for funding, and implement water quality improvement projects. Sierra Club recommends that TCEQ and TSSWCB revise the Draft to describe how disadvantaged, underserved, and overburdened communities will be considered throughout implementation of the Texas Nonpoint Source Management Program. At a minimum, the Draft should explain how these communities will be identified, how they will be engaged during watershed-based planning and implementation, whether community vulnerability will be considered when prioritizing watersheds or projects, and how progress on capacity-building efforts and associated outcomes will be documented and reported.

New emerging issues should be addressed by the TCEQ and TSSWCB given new infrastructure build-out in Texas.

Texas is seeing the benefits and challenges of new growth in our electric grid. Population increase, but also new businesses such as LNG facilities, cryptomines, data centers, and also the continued development of energy generation of all types are increasing in Texas, exacerbating the issues of runoff and potential non-point source pollution, especially during construction. In addition, for the first time in Texas's history, the Public Utility Commission of Texas recently approved a new plan to build hundreds of miles of high voltage transmission lines through much of the state. Done thoughtfully and with best practices, this development can be mitigated but it must be acknowledged as a challenge going forward. The TCEQ and



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TSSWCB should consider the development of safeguards and best practices to avoid impacts from new data centers, generation sources and transmission lines, or at least recommend how it can be addressed as part of this plan. Encouraging best practices and avoiding disturbance of certain lands and habitats would be a great first step. For example, building transmission lines along existing highways and rights-of-ways has much less impact on NPS pollution than routing new large transmission lines over rivers and canyonlands.

Sierra Club appreciates the significant effort that TCEQ and TSSWCB have invested in developing the Draft 2027 Texas Nonpoint Source Management Program and recognizes the important role this program plays in protecting and restoring Texas water resources. However, we'd like to underscore that this revision process provides a great opportunity for Texas to build a stronger program that reflects the growing water quality challenges in Texas.

Thank you for the opportunity to provide these comments.