



October 6, 2021

Re: HB 145 (ARPA Funding)

The Honorable Representative Greg Bonnen, Chair, House Committee on Appropriations  
Honorable Representatives, Committee on Appropriations

From: Cyrus Reed, Conservation Director, Lone Star Chapter, Sierra Club  
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The passage of the American Rescue Plan Act (ARPA) represents a unique opportunity for the State of Texas to make important physical and human capital investments to help Texas's economy fully recover from the ongoing ravages of COVID-19, and in particular make investments in natural resource state agencies. The Coronavirus State and Local Fiscal Recovery Funds (Recovery Funds) are resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery. The State of Texas received a total of \$16.7 billion to be distributed laid out in the U.S. Treasury guidance. ***Unfortunately, we must oppose parts of the current version of HB 145, as it fails to make any investments in natural resource agencies or in the people impacted by recent failures from Uri, or in creating a more resilient Texas in the face of recent climate extremes. We also believe that some of the proposed allotments of these monies are not in keeping with the provisions of the Act.***

While we recognize the important need to help Texans through the Texas Workforce Commission and Department of Health State Services and many of the other provisions in the bill, we continue to believe that rather than spending Texas's share of the ARPA funds on what in our view are issues unrelated to economic recovery - a significant amount of monies should be instead dedicated to the Texas Water Development Board, State Energy Conservation Office, Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, as well as some specific instructions to the Texas Department of Housing and Community Affairs to more directly invest in programs that

will help our economy recover and better prepare our state in the wake of Uri, the COVID crisis and climate disasters.

Specifically, we believe that the Senate should consider eliminating or reducing proposed grants for victims of crime under Section 4 of the bill (\$160 million), money for a state operations center in Section 9 of the bill (\$300 million), and nearly \$3.8 billion for salary adjustments under Section 5 of the bill for the Department of Criminal Justice and the Department of Public Safety. Increasing salaries for one group of state employees simply because they work in “security” seems more of a political statement than a reflection of good policy on how to invest about 25% of the monies Texas has been allotted. Finally, while we agree that cyber-security programs are important, we are not sure it makes sense to use ARPA funds intended to help the state make up for funds it lost as a result of COVID and better prepare us for the future by dedicating so much money -- some \$200 million -- to the Department of Information Resources.

We would reduce or eliminate funding for these sections of the bill. Instead, we believe an investment of approximately \$4 billion in water, energy, parks, and air quality infrastructure will be an important investment in Texas’s future and would aid in the response and mitigation of the COVID-19 virus, while rebuilding Texas into a more resilient and equitable economy.

#### **Texas Parks and Wildlife Department. At least \$300 Million**

We request the Legislature appropriate at least \$300 million in funding from the American Rescue Plan Act (ARPA) to the Texas Parks and Wildlife Department to grow and develop our state and local parks system. A \$300 million appropriation, supplemented with funding from private philanthropy, the federal government, and elsewhere is a great initial investment in protecting our wild places and making sure all Texans have access to the great outdoors.

#### **Texas Water Development Board and TCEQ Water programs. \$2 to \$3 billion**

Texas needs water to thrive. Still, all Texas communities are feeling the effects of decades of under-investment in our water infrastructure. The American Rescue Plan Act (ARPA) represents a historic opportunity to invest in a resilient water future. More than that, 88 percent of Texan voters support using \$3 billion of federal stimulus funds to water projects, according to a recent poll by Texas 2036. We urge you to consider prioritizing **grants, innovation, resilience and equity** in allocation decisions. The following programmatic investments can help achieve these goals.

- Use existing financial assistance programs to increase grants, forgive debt and increase bonding authority. As an example the Flood Infrastructure Fund and Revolving Funds could be augmented with grants for nature-based infrastructure and funding focused on equity, while EDAP could be expanded significantly.
  - The **Economically Distressed Areas Program** should be bolstered since it prioritizes underserved and smaller communities.
    - We recommend adding **\$400 million** investment in the Economically Distressed Areas Fund, for drainage, flood planning, drinking water, and wastewater infrastructure. The use of Recovery Funds for immediate EDAP project needs, including potential 100 percent grant funding for those entities fiscally challenged to repay loans, would save GR debt service costs in the next biennium and beyond. The use of federal funds for immediate EDAP project needs would save existing EDAP authorization for future projects. ***If funds do not allow this full amount (\$400 million), we would support investment in debt service to allow the TWDB to issue the remaining bonds already authorized by the legislature in the program;***
  - **The Rural Water Assistance Fund (RWAF)** administered by the Texas Water Development Board is designed to assist small rural utilities to obtain low-cost financing for water and wastewater projects, including planning. Due to funding limitations, only loans are offered through the RWAF.
    - We recommend adding **\$250M** for grants, debt forgiveness, nature-based infrastructure and other projects.
  - **The Clean Water State Revolving Fund (CWSRF)** administered by the Texas Water Development Board and authorized by the Clean Water Act, provides low-cost financial assistance for planning, acquisition, design, and construction of wastewater, reuse, and stormwater infrastructure.
    - We recommend adding **\$250 M** to this program, emphasizing grants, debt forgiveness, green infrastructure, and habitat protection and restoration.
  - **The Drinking Water State Revolving Fund (DWSRF)** administered by the Texas Water Development Board authorized by the Safe Drinking Water Act, provides low-cost financial assistance for planning, acquisition, design, and construction of water infrastructure.

- We recommend adding **\$500M** to this program, emphasizing grants, debt forgiveness, green infrastructure, source water protection projects, and correcting water system deficiencies.
- **The Flood Infrastructure Fund (FIF)** administered by the Texas Water Development Board passed by the Legislature in 2019 and approved by Texas voters through a constitutional amendment, provides financial assistance in the form of loans and grants for flood control, flood mitigation, and drainage projects.
  - We recommend adding \$250 Million to this program, focused on equity and nature-based infrastructure.

### **Other water needs**

- Create new grant opportunities for non-capital projects and smaller communities with reliability challenges. TCEQ and TWDB should be consulted on an appropriate amount to consider for these unique communities.
- Invest \$10 million in completing the WAM (Water Availability Models) at TCEQ to scientifically help establish the basis for requirements for instream flows and bay flow requirements.
- Invest in water conservation and demand-side management. An \$11 million investment in water conservation, including a \$3 million statewide water conservation public awareness program, and the staff needed to make Texas a leader on water conservation efforts (including, at a minimum, sufficient funding to the Texas Water Development Board for 5 additional FTEs dedicated to the agency's water conservation programs and the equipment and resources to support the additional staff);
- An investment of \$100 million in providing grants to utilities for implementation of EPPs. SB 3 (87th Regular Session, 2021) requires water utilities to develop and implement an emergency preparedness plan (EPP) to keep services operating during an extended power outage. EPPs are due to TCEQ by March 1, 2022. Water utilities must start implementing EPPs by July 1, 2022.
- Invest in a new Water Infrastructure Resiliency Fund (WIRF), a special fund administered by the Texas Water Development Board (TWDB) for the purpose of making grants to entities for weatherizing and hardening water and wastewater systems. We would suggest at least \$100 million be dedicated to this effort.

### **Energy efficiency assistance / weatherization**

The **Texas Department of Housing and Community Affairs** is receiving direct allotments from ARPA of \$134,407,308 for the Low Income Heating and Energy Assistance Program and \$92,398,958 for the Low Income Household Water Assistance Program that will help thousands of Texans afford high water and energy bills as the economy recovers. While the bulk of this money is intended for direct payment assistance for utility payments, there is the opportunity for part of the money to directly assist customers to weatherize their homes through improved appliances and insulation and improve plumbing and other water conservation efforts. We support a rider to direct that TDHCA prioritize weatherization and water conservation by setting aside 15% of the money for these efforts to more directly assist customers.

### **Solar and Energy Storage at Schools and Other Public Buildings. \$50 million**

We request that \$50 million be allocated to SECO to be used to finance solar energy and energy storage installations at public schools and other public buildings. These funds would allow for an expansion of the Texas LoanSTAR (Saving Taxes and Resources) revolving loan program, which provides low-interest rate loans to assist Texas public institutions by financing their energy-related cost-reduction retrofit projects. Adding \$50 million to the LoanSTAR program would allow SECO to expand the program to allow schools and other public entities across the state to install solar energy and energy storage systems to reduce operating costs and improve community resilience. This additional funding would allow SECO to adjust loan repayment timelines to align with expected cost recovery timelines for solar installations that include storage. Where solar energy and energy storage are paired, resilience hubs can be created to give people a place to shelter during power outages. As winter storm Uri demonstrated, access to heated or cooled space can save lives during emergencies. Because the LoanSTAR program provides loans, these funds would be recycled and continue providing public benefit for decades to come.

SECO Energy Efficiency, Water Conservation, and Gas Savings Revolving Loan Program. The Legislature should direct a one-time funding stream of \$10 million to SECO to begin a residential and small business revolving loan fund similar to LoanSTAR to issue or guarantee loans for investments in existing residential and small business buildings.

### **Outdoor Air Quality**

In addition to the items listed above regarding water quality, TCEQ should be directed to apply for direct funding (\$50 million available) from the Environmental Protection Agency for continuous monitoring of PM2.5 Monitoring and other common pollutants. Dozens of communities throughout the state – from El Paso to San Antonio to Corpus Christi and Houston – face high levels of PM 2.5 and other pollutants, and yet the state lacks a robust air monitoring program for PM 2.5. We call on an investment from available EPA monies of \$5 million for PM 2.5 and other air monitoring equipment, and that TCEQ is directed to apply for these funds.

### **Indoor Air Quality**

We request the Legislature appropriate funding from ARPA to establish a task force for evaluating and analyzing indoor air quality in schools that focus on HVAC systems and air filtration. Air pollution is an extremely significant public health threat that causes the premature deaths of tens of thousands of people in this country each year and results in many other serious health problems. COVID-19 has amplified this issue. We would suggest a \$150 Million for improvements to Indoor Air Quality in Texas classrooms

We appreciate the consideration of these categories of funding. Again we want to emphasize the need to focus on parks, water infrastructure and energy efficiency/energy resiliency and air quality monitoring.