Written Comments on Appropriations for FY 2020/FY 2021 for the Texas Water Development Board – Prepared by Ken Kramer, Water Resources Chair, Lone Star Chapter, Sierra Club and Submitted by Cyrus Reed, Conservation Director for the January 30, 2019 Hearing of the Senate Finance Committee on SB 1

The Sierra Club appreciates the opportunity to submit these comments. Our state organization has been actively involved in Texas water issues since the Lone Star Chapter was established in 1965. We have become very familiar with the programs and responsibilities of the Texas Water Development Board (TWDB) over those many decades. We believe that the current Board leadership and executive/administrative staff at the agency has been efficient and effective in carrying out the agency’s mission. We further believe that the ongoing challenges of water issues in our state, which experiences exceptional drought and periodic and sometimes catastrophic flooding but also places a high value on maintaining our natural environment and our recreational water resources, require enhancements to historical funding for TWDB to help Texas meet those challenges.

Therefore, the Sierra Club supports the proposed appropriations for TWDB in Senate Bill 1 as introduced, but we also urge additional funding to the agency in keeping with recommendations from the agency, the state Water Conservation Advisory Council, and numerous bodies addressing flooding issues highlighted by Hurricane Harvey and other recent flood events. We recognize that enhanced appropriations with regard to flood planning and management activities of the agency will have to be evaluated regularly during the legislative session to mirror any new legislation regarding those activities that may be considered.

Specifically, the Sierra Club supports the following items that are included in or should be considered in enhancing the proposed appropriations for TWDB in Senate Bill 1 as introduced:

(1) Proposed funding in A.1.1. Strategy: Environmental Impact Information and A.1.2 Water Resources Data, which – among other things – is critical to continue to gather and evaluate the necessary scientific and technical date that will allow a better-informed review and possible revision of the existing standards for instream flows and freshwater inflows to bays and estuaries that resulted from the process established by SB 3 in 2007. Those standards were adopted by TCEQ in a sequenced implementation by river basin and bay area beginning in 2011 and proceeding over several years and are subject to a 10-year review, with the standards for the Sabine and the Trinity-San Jacinto River Basins and Galveston Bay up for reconsideration in 2020-2021. The Sierra Club would also support an enhancement to Strategy A.2.2., Water Resources Planning to restore funds for studies related to brackish groundwater zones.
(2) An enhancement of a total of $1 million for the biennium, probably in A.2.1. Strategy: Technical Assistance & Modeling or partly in other strategies as appropriate, to implement legislative recommendation #4 from the state Water Conservation Advisory Council – “Funding to Enhance the Accuracy and Value of Water Loss Audits.” Half of the $1 million enhancement would be to allow the TWDB to expand its water loss program (including three additional FTEs) to assist water utilities in the design and conduct of water loss audits, and the other $500,000 would fund competitive grants for up to six water utilities of varying sizes to conduct pilot projects for validation of their water loss audits. State law already requires water utilities to conduct and report to the state – annually or every five years, depending upon the utility – audits of the utility’s water loss in its distribution, metering, and accounting systems. Improperly conducted water loss audits, however, waste time and resources and do not provide the information necessary to track water loss or identify system issues that require action. Unfortunately, TWDB has found inaccuracies in many water loss audits, and the Texas Living Waters Project (in which Sierra Club is a partner) has found high rates of water loss in utilities across the state, which wastes water and money. The $1 million is needed to address this issue and make sure that money expended by ratepayers and often provided via state financial assistance is being efficiently used to assure the greatest availability of water supplies.

(3) Enhancements to proposed appropriations in the relevant strategies to meet the exceptional item request made by the TWDB for a flood technical package, the critical need for which has been demonstrated by the experience with not only Hurricane Harvey but numerous other flood events over the past several years.

(4) Funding of up to $3 million to TWDB per each year of the biennium, as also recommended by the state Water Conservation Advisory Council, to implement a statewide water conservation public awareness program as directed by the Legislature in 2007 with the passage of SB 3 and HB 4. The Legislature has never appropriated funds for this purpose. Some local entities have adopted elements of a program designed for the State, and private fundraising has made possible some TV and radio exposure for the initiative. But the potential of that program to enhance public knowledge of water sources and advance water conservation will never be reached without some commitment of state funding, as was recommended by LBB staff in the 2013 GEER report. This program would be especially important for smaller utilities and communities without the resources to develop their own program and as a complement to the programs of larger utilities through reinforcement of their conservation message. In general, the most cost-effective water supply strategy for the State and individual communities is enhancing the efficiency of using existing water resources. Expenditures for water conservation now would save Texas money over the long term.

(5) Subject to passage of a constitutional amendment to authorize bond funding and the passage of appropriate enabling legislation, additional appropriations to TWDB for debt service for the Economically Distressed Areas Program (EDAP), which continues to be urgently needed by many Texans who do not have the resources for basic water and wastewater services that all Texans should enjoy.