TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF A HEARING TO CONSIDER WHETHER TO AFFIRM, MODIFY, OR SET ASIDE AN EMERGENCY ORDER ISSUED BY THE EXECUTIVE DIRECTOR TO THE LOWER COLORADO RIVER AUTHORITY AUTHORIZING AN EMERGENCY AMENDMENT TO ITS WATER MANAGEMENT PLAN

TCEQ Docket No. 2015-0220-WR
Permit No. 5838

The Lower Colorado River Authority ("LCRA") has requested, pursuant to Texas Water Code § 11.139, an emergency order to amend its 2010 Water Management Plan ("WMP"), Permit No. 5838. The Commission will hold a hearing on March 4, 2015 to consider whether to affirm, modify, or set aside, the Executive Director's emergency order.

BACKGROUND AND APPLICATION: By letter dated December 22, 2014, LCRA requests an emergency order to temporarily amend its 2010 WMP, Permit No. 5838, under Sections 5.501, 11.138, and 11.139 of the Texas Water Code and the Governor's Emergency Disaster Proclamation related to the drought.

LCRA's Certificates of Adjudication Nos. 14–5478 and 14–5482, which provide for the impoundment in and diversion of state waters from Lakes Buchanan and Travis on the Colorado River in Burnet, Llano, and Travis Counties, Texas, require LCRA to prepare a WMP to describe how LCRA makes water available from these lakes to help meet firm water customer needs, downstream interruptible irrigation demands, and environmental flow needs of the lower Colorado River and Matagorda Bay. LCRA must also provide in its WMP how it will curtail its firm and interruptible water commitments from the lakes during times of drought including a repeat of the Drought of Record.

LCRA established the following curtailment plan for interruptible water in its 2010 WMP, approved by the commission on January 27, 2010:

Combined Storage of Lakes Buchanan and Travis	Date on Which Trigger is Decided	Action Taken
1.4 million acre feet	At any time	Request firm customers to implement

		voluntary drought response measures.
1.4 million acre feet	On January 1	Environmental releases for instream flows reduced to meet critical needs for ecosystems for following year. Begin gradual curtailment of interruptible supply to four major irrigation operations.
900,000 acre feet	At any time	Request firm customers to implement mandatory water restrictions; develop firm customer curtailment plan.
600,000 acre feet	At any time	If criteria indicates a drought worse than the Drought of Record, then cease interruptible supply and begin curtailment of firm supply.

LCRA seeks a new emergency order to allow LCRA to deviate from its 2010 WMP as it pertains to the determination of interruptible supply for 2015. Specifically, LCRA requests that TCEQ suspend any obligation to release interruptible stored water to LCRA's Gulf Coast and Lakeside agricultural divisions and Pierce Ranch if TCEQ determines that the water supply conditions have not changed substantially as compared to conditions in mid-November 2014. Should TCEQ determine that conditions have changed substantially, then LCRA requests that TCEQ issue an emergency order that sets forth more restrictive conditions than is provided by the 2010 WMP, but still allows LCRA to supply some interruptible stored water. LCRA states that such relief is necessary in light of the prolonged and uncertain duration of the ongoing exceptional drought emergency that grips the lower Colorado River basin.

STATUTORY AUTHORITY: Tex. Water Code § 11.139 provides that the Commission or Executive Director may grant an emergency order to amend an existing permit after notice to the Governor if the Commission finds that emergency conditions exist which present an imminent threat to the public health and safety and which override the necessity to comply with established statutory procedure, and there are no feasible practicable alternatives to the emergency authorization.

Should the Executive Director find that the person requesting the emergency relief has met the requirements under Texas Water Code § 11.139, the Executive Director may grant emergency authorization without notice or hearing. Within 20 days of the Executive Director's issuance of an emergency order under Texas Water Code § 11.139, the Commission shall hold a hearing to affirm, modify, or set aside the emergency authorization. General notice of the hearing shall be given as the Commission considers practicable under the circumstance. In this

matter, notice of the Commission's hearing to affirm, modify, or set aside the emergency authorization is being mailed to all water right holders in the Colorado Basin.

An emergency order issued under Section 11.139 may extend for a period of not more than 120 days. Such emergency action may be extended once for not longer than 60 days.

EXECUTIVE DIRECTOR'S EMERGENCY ORDER: The Executive Director has found that an imminent threat to public health and safety exists which requires emergency action before the Commission can take action, and that emergency conditions exist which present an imminent threat to the public health and safety and which override the necessity to comply with established statutory procedures, and there are no feasible practicable alternatives to the emergency authorization. The Executive Director provided notice to the Governor on February 17, 2015, and issued an Emergency Order to LCRA on February 18, 2015. Notice of the Commission's hearing to affirm, modify, or set aside is being mailed to all water right holders in the Colorado River Basin.

The Executive Director's Order is attached to this letter. The Order references Attachment A, which is LCRA's application for an emergency order, and numerous affidavits. You may access the petition and affidavits at the following website: http://www.tceq.texas.gov/agency/lcra-emergency-order. You may also call Robin Smith at (512) 239-0600 to receive a copy of the attachment or affidavits.

HEARING: The Commission's hearing to affirm, modify, or set aside the Executive Director's Emergency Order will be held at:

9:30 a.m., Wednesday, March 4, 2015
TCEQ Commission Office
12100 Park 35 Circle, Room 201S, Building E,
Austin, Texas

PUBLIC COMMENT: Persons may attend the public hearing and make oral comment. Written public comments should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/eFilings. In order for a comment to be included in the record, it must be filed by 5:00 p.m. on Monday March 2, 2015. There is no right to a contested case hearing on this emergency order; however, the Commission may grant contested case hearings as it deems appropriate.

INFORMATION: For additional information, individual members of the general public may contact Small Business and Environmental Assistance at 1–800–687–4040. General information regarding the TCEQ can be found at our website at www.tceq.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al http:www.tceq.state.tx.us.

Issued: February 20, 2015

Bridget C. Bohac
Chief Clerk

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN ORDER granting an emergency authorization to the Lower Colorado River Authority to amend its Water Management Plan, Permit No. 5838, pursuant to Section 11.139 of the Texas Water Code

On February 18, 2015, the Executive Director of the Texas Commission on Environmental Quality considered an application from the Lower Colorado River Authority (LCRA) for an emergency order to amend its 2010 Water Management Plan (WMP), Permit No. 5838, under Texas Water Code Sections 5.501, 11.138, and 11.139, and the Governor's Emergency Disaster Proclamation relating to drought.

The Executive Director has jurisdiction to consider this matter and makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On December 23, 2014, LCRA filed a request for an emergency order suspending any obligation LCRA might have under the 2010 WMP to release interruptible stored water to customers in the Gulf Coast, Lakeside, and Pierce Ranch irrigation operations for the duration of the order. The reason for requesting the emergency order is the persistent drought conditions in and around LCRA's five Highland Lakes (Lakes Buchanan, Inks, LBJ, Marble Falls, and Travis). LCRA's request is attached hereto as Attachment A and incorporated herein by reference.

LCRA'S Water Rights and 2010 Water Management Plan

2. LCRA has the right to divert and use up to 1.5 million acre-feet (AF) from Lakes Buchanan and Travis under Certificates of Adjudication Nos. 14-5478 and 14-5482. By court order, LCRA has developed a WMP, Permit No. 5838, currently dated 2010, which is part of these certificates.

3. The Certificates of Adjudication and the 2010 WMP govern LCRA's operation of Lakes Buchanan and Travis and dictate how LCRA makes water available from these lakes to help meet "firm" water customer needs, downstream interruptible irrigation demands, and environmental flow needs of the lower Colorado River and Matagorda Bay.

4. Certificates of Adjudication 14-5478 and 14-5482 state that "LCRA shall interrupt or curtail the supply of water . . . pursuant to commitments that are specifically subject to interruption or curtailment, to the extent necessary to allow LCRA to

satisfy all demand for water under such certificate pursuant to all firm, uninterruptible water commitments." The WMP further describes how LCRA will manage and curtail supplies from the lakes during times of drought including through a repeat of the Drought of Record.

5. As established in the 2010 WMP, the combined firm yield of Lakes Buchanan and Travis is 535,812 acre-feet per year (AFY). Of this amount, 90,546 AFY is committed to O.H. Ivie Reservoir, making 445,266 AFY of firm water supply available from Lakes Buchanan and Travis for LCRA's firm water customers.

6. As established in the 2010 WMP, until firm demand for water equals the combined firm yield, LCRA can supply water for irrigated agriculture on an interruptible basis. To manage the supply, LCRA's 2010 WMP imposes several trigger points keyed to the total combined storage capacity of Lakes Buchanan and Travis that are intended to ensure the firm water supply is protected during droughts. The most relevant trigger points are set out in the following table:

Combined Storage of Lakes Buchanan and Travis	**Date on Which Trigger is Decided**	**Action Taken**
1.4 million acre feet	At any time	Request firm customers to implement voluntary drought response measures.
1.4 million acre feet	On Jan. 1	Environmental releases for instream flows reduced to meet critical needs for ecosystems for following year. Begin gradual curtailment of interruptible supply to four major irrigation operations.
900,000 acre feet	At any time	Request firm customers to implement mandatory water restrictions; develop firm customer curtailment plan.
600,000 acre feet	At any time	If criteria indicate a drought worse than the Drought of Record, then cease interruptible supply and begin curtailment of firm supply.

7. LCRA's 2010 WMP defines "Drought of Record" as "the drought that occurred during the critical drought period." "The Critical Drought Period" is defined as "the period of time during which the reservoir was last full and refilled, and the storage content was at its lowest minimum value."

8. Under the 2010 WMP, the LCRA Board may declare a Drought Worse than the Drought of Record (DWDR) if it finds that the following three conditions are simultaneously met:

   a. Duration of drought is more than 24 months, which is determined by counting the number of consecutive months since both Lakes Buchanan and Travis were last full;

   b. Inflows to the lakes are less than inflows during the drought of record; and

   c. Lakes Buchanan and Travis combined storage has less than 600,000 AF of water.

9. Under the 2010 WMP, once a drought has lasted more than 36 months and a DWDR has been declared by the LCRA Board, the interruptible stored water would be fully and immediately curtailed – making no stored water available for agricultural irrigation or other interruptible uses until lake levels recover or the inflows into the lakes increase substantially. Moreover, LCRA will implement pro rata curtailment of its firm water users once a DWDR is declared and after interruptible stored water (agriculture) uses have been curtailed.

10. Prior to a declaration of a DWDR, LCRA is obligated by the 2010 WMP to provide at least some interruptible water to its four major irrigation operations. Under the WMP, LCRA is to make a preliminary determination in November of its interruptible water releases based on projections of storage on January 1 of the upcoming year.

11. The first and second criteria for a DWDR have been met. The drought has lasted for more than 24 months. Duration of drought is determined by counting the number of consecutive months since both Lakes Buchanan and Travis were last full, which was February 13, 2005. The cumulative inflow deficit has also been met. The last criteria, storage below 600,000 AF has not yet occurred, but could occur in the next few months.

12. Under the 2010 WMP, there is not significant difference in how much stored water will be available for diversion by the four downstream irrigation operations at different lake levels. At 1,150,000 AF, 195,000 AF would be released, and with storage just over 600,000 AF, 172,000 AF would be available.

13. If LCRA had followed the 2010 Water Management Plan in 2014, it would have had to make available as much as 160,000 AF of stored water to downstream irrigators. Considering 20 percent for delivery losses, this could have resulted in LCRA releasing up to an additional 190,000 AF in 2014.

Current Conditions

14. The combined storage of Lakes Buchanan and Travis on December 1, 2014 was 691,132 acre feet, which is the lowest December 1 level in LCRA's history. On February 17, 2015 the combined storage was 715,368 acre feet or 36% full.

15. In May 2012, the lakes refilled to an amount close to 1.1 million AF (to 1.033 million AF on May 22, 2012) and yet without any release to Lakeside, Gulf Coast and Pierce Ranch, the lakes dropped to 637,123 AF on September 19, 2013, the second lowest level on record.

16. The combined storage fell to the lowest level in the current drought on September 19, 2013, which was 637,123 AF or 31.7% full.

17. The inflows into the lakes are at record lows. The years 2011, 2013, and 2014 are the three lowest inflow years on record. Five of the last six years have been among the ten lowest years of inflow on record. Inflows into the lakes in 2011 were the lowest annual inflows on record, about 10% of average inflows. Inflows in 2012 were the seventh lowest on record, and inflows in 2013 were the third lowest on record. As of December, 2014, monthly inflows have been below average in 54 of the past 55 months. Inflows in 2014 from January through November were the second lowest inflows on record.

18. Extraordinary drought conditions have existed in much of Texas, including the Colorado River Basin for more than four years, dating back to October 2010. State Climatologist, Dr. John Nielsen-Gammon, recognized 2011 as the worst one year statewide drought on record dating back to 1895.

19. The inflow deficit has been as much as 90% more than the inflow deficit for a similar period of inflows experienced during the Drought of Record for the lower Colorado River Basin, which occurred from 1947 to 1957.

20. The inflows into Lakes Buchanan and Travis during the current drought have been lower for time periods ranging from 12 months to 84 months than the lowest inflows for periods of similar duration during the historic Drought of Record, including the 1950's. The total inflows for the 84 months prior to the filing of LCRA's application were only about half of the lowest 84 month inflow period in the Drought of Record.

21. After adjusting inflows to account for the fact that O.H. Ivie Reservoir did not exist in the 1950's, the recent inflows are much lower than the inflows for the first six years of the Drought of Record. Inflows since 2008 are at about half of the inflows for the first six years of the Drought of Record.

22. High temperatures have been unprecedented. The summer of 2011 was the hottest on record in Texas, and 2011 was also the hottest in Austin. Year 2012 tied with 1921 as the hottest on record statewide. Summer temperatures for Austin in 2013 were the fifth hottest on record. The summer temperatures in 2014 were not as extreme in Austin, but were still above normal, ranking the 34th warmest since 1895.

23. The firm water use in 2012 from Lakes Buchanan and Travis was about 148,000 AF. An amount of 31,000 AF was supplied for the environment, and 9,000 AF of water was supplied to farmers in the Garwood Irrigation Division. The total use

of water from the lakes for 2012 was approximately 188,000 AF. In 2013, firm use from the lakes was approximately 173,000 AF; 33,500 AF was supplied for environmental flow needs, and about 22,000 AF of water was supplied to Garwood Irrigation Division. LCRA's total use of water from the lakes in 2013 was approximately 229,000 AF.

24. The maximum historical annual amount of reported firm water use from the firm supplies of Lakes Buchanan and Travis during 2000 through 2013 was 247,000 AF in 2011. The maximum interruptible water released from Lakes Buchanan and Travis during this same period occurred in 2011 and totaled approximately 433,000 AF. The maximum total amount released or used from the Highland Lakes, about 714,000 AF, occurred in 2011.

25. The lakes have not been able to recover in any significant manner even with an emergency suspension of nearly all water supply for downstream irrigation in 2012, 2013, and 2014.

26. Rainfall in 2014 has been sporadic. Although rain fell above the Highland Lakes in November, 2014, the rain failed to provide the type of inflows needed for lake levels to improve. Two to three inches of rainfall only produced about 4,000 AF of inflow to the lakes in early November, and one to three inches failed to provide more than 17,000 AF of inflow in late November. Rainfall in September averaged two to three inches, but only yielded approximately 24,000 AF of inflow to the lakes. The limited amount of inflows shows the severity of the ongoing drought and the dry soil conditions.

27. Recent weather forecasts provide some hope for relief during the period covered by this emergency order, including an El Niño developing this winter and continuing into early spring. For that period, forecasters expect a pattern of above normal rainfall in Central and South Texas. After early spring the forecast is uncertain. Even if normal to above normal rainfall materializes in the near term, significant drought improvement is not expected.

28. The 2010 WMP was developed using simulations of a repetition of the hydrologic period from 1940 to 1965. While that period includes the 1950s Drought of Record, the recent severe low inflows of 2011 and 2013 are less than half of the lowest annual inflow in the 1950s and the multi-year inflows are also worse than any multi-year inflows which were simulated during the development of the WMP. This trend continued January to November 2014.

29. The current drought conditions are outside the range of hydrologic conditions that were considered during formulation of the 2010 WMP.

30. The conditions are similar or worse than conditions in place when TCEQ issued its earlier emergency orders for the 2012, 2013, and 2014 irrigation seasons.

31. Based on recent lake levels and the forecast, there is a chance of reaching conditions triggering a declaration of a DWDR in March 2015. If a DWDR is

declared, all interruptible stored water will be cut off, potentially jeopardizing any crops that were not yet harvested.

32. As of December 1, 2014, if LCRA were to follow the 2010 WMP in 2015, there is about a 33 percent chance of triggering a DWDR declaration by the end of 2015.

33. As of December 1, 2014, if LCRA obtains emergency relief suspending the requirement to release stored water to the irrigators, and to reduce the amount of water released for the Blue Sucker, the chance of triggering a DWDR declaration by the end of 2015 is reduced to about 8%.

34. The U.S. Drought monitor (February 10, 2015) shows that most of the Texas Hill Country is within the "moderate drought" or "abnormally dry" category and Central Texas and the coastal plains are either in "moderate drought" or "abnormally dry". However, some portions of the Texas Hill Country are in worse drought conditions ranging from "severe" to "exceptional" in areas that contribute inflows to Lakes Buchanan and Travis. The Drought Monitor does not specifically show hydrologic drought, which is worse than the depicted conditions.

35. The Governor of Texas issued an Emergency Disaster Proclamation on July 5, 2011, certifying that exceptional drought conditions posed a threat of imminent disaster in specified counties in Texas. This proclamation has been renewed monthly, most recently on January 18, 2015, and includes counties that contribute inflow to the Highland Lakes.

LCRA's Firm Customers

36. The 2010 WMP requires that firm customers (mainly cities and industries) be curtailed on a pro rata basis and that LCRA cease all releases for interruptible stored water (regardless of the impact on the crops) when a DWDR is declared.

37. LCRA provides raw water out of the combined firm yield of Lakes Buchanan and Travis to over 60 retail and wholesale potable water suppliers that together serve over one million people. In addition, LCRA provides water to several electric utilities from the firm water supply of Lakes Buchanan and Travis. These electric utilities provide electricity into the electrical grid in Texas operated by the Electric Reliability Council of Texas (ERCOT) and provide electricity to customers in Texas. LCRA also provides firm raw water to several industries located downstream.

38. LCRA-adopted water use reduction targets including mandatory pro rata curtailment of firm water supplies for customers of 20% or more will be implemented when combined storage levels fall below 600,000 AF and other criteria are met for a DWDR.

39. Some LCRA customers, such as the City of Austin, have already seen significant water savings through reductions in outdoor water use. Industrial customer will

have to implement the full 20% reduction more quickly and these reductions, especially for power plants, could impact production.

40. At the time of this order, the public water systems that rely on the Highland Lakes or that draw from the tributaries that typically contribute significant inflow to the Highland Lakes are already in some form of drought restrictions and are at risk of water supply shortages.

41. If LCRA is required to follow the 2010 WMP and the drought continues, LCRA and its firm customers may need to acquire or develop large quantities of alternative water supplies to meet essential needs of their respective potable water systems. LCRA's firm customers are working on plans to implement curtailment and secure alternate supplies; however many of LCRA's firm customers do not have any readily available alternative sources of water supply that could substitute for their reliance on the Colorado River, and these projects could take years to develop. Following the 2010 WMP under current drought conditions could pose an imminent threat to firm customers served by LCRA from Lakes Buchanan and Travis.

42. LCRA has 18 customers that actively take raw water for municipal purposes from Lake Travis. The lowest pumping elevations of the intakes range from 545 feet mean sea level (msl) to 645 feet msl on Lake Travis. As lake levels drop, retail water suppliers are unable to pump water from the lakes. This causes wholesale raw water customers to either move intakes to reach the water, or obtain alternate sources. Smaller systems will likely have to haul water from a water utility with a viable source. Firm customers are actively spending or planning to spend funds to allow their intakes to operate at lower elevations or making plans to haul water.

43. If the lake levels drop more quickly than arrangements for alternative intakes or supplies can be implemented, the situation presents an imminent threat to public health and safety for the LCRA water systems and for its customers' water systems.

Water Conservation and Drought Contingency Plan

44. LCRA's water conservation plan complies with TCEQ rules. LCRA has required its municipal customers to adopt conservation plans before there was a state requirement.

45. LCRA provides conservation program planning support for its customers. In 2012, LCRA began a rebate program for certain irrigation technologies and a wholesale customer cost-share program focused on conservation. LCRA has supported significant improvements in water use efficiency in rice irrigation systems, including volumetric pricing and canal rehabilitation.

46. LCRA was originally required to develop a Drought Contingency Plan (DCP) as a direct result of the court order adjudicating LCRA's water rights and the Texas Water Commission 1989 WMP Order.

47. When TCEQ adopted the Chapter 288 rules for DCPs, LCRA adopted separate stand-alone DCPs relating to irrigation, municipal, and industrial operations that more specifically addressed the requirements of the Chapter 288 rules. LCRA incorporated all of the same triggers and criteria from the WMP into its Chapter 288 DCP. These DCPs were incorporated into Chapter 4 of the WMP.

48. In August 2011, LCRA called on its firm water customers to voluntarily implement mandatory water use restrictions under their DCPs to reduce water use by 10 to 20%.

49. LCRA adopted water use reduction targets including the following: water use reduction goals for firm water supply customers of 5% by asking firm customers to implement their voluntary water use reduction measures when the combined storage of Lakes Buchanan and Travis is less than 1.4 million AF; 10 to 20% reduction goals by asking firm customers to implement their own mandatory water use reduction measures when combined storage levels fall below 900,000 AF; and a mandatory pro rata curtailment of firm water supplies for customers of 20% or more will be implemented when combined storage levels fall below 600,000 AF and other criteria are met for a DWDR .

50. LCRA has pending or final pro rata plans for all of its firm water customers who are actively diverting water.

51. LCRA has adopted additional changes to LCRA's raw water contract rules that include the procedures for implementing a pro rata curtailment of firm water customers. The rules also provide a surcharge to be set by the LCRA Board for unauthorized use of water (taking more water than authorized under a mandated curtailment of firm water supplies) and clarifying the drought contingency requirements related to golf course irrigation and recreational use.

52. LCRA's WMP requires LCRA to develop a firm water curtailment plan to be approved by the LCRA Board and TCEQ. The WMP provides that the curtailment will be in response to combined storage dropping below 600,000 AF. TCEQ approved that plan for LCRA's firm customers in December of 2011.

53. LCRA has fully implemented its DCP. All of LCRA's firm customers that currently divert and purchase water from LCRA have a DCP. Most of these firm customers have stayed in some form of mandatory water restrictions, significantly limiting landscape irrigation. LCRA's industrial customers have worked to reduce non-essential water uses. Also, LCRA has had several meetings with firm customers in preparation for pro rata curtailment.

54. Except for a six-week period in the summer of 2012, the City of Austin customers have had once a week outdoor watering restriction for the past two years. In November 2013, the LCRA Board approved the no more than once per week watering restriction that took effect in March 2014. The Board re-affirmed this watering restriction in November 2014. The restriction applies if combined storage is below 1.1 million AF and interruptible stored water has been cut off.

The Executive Director has not been asked to approve this restriction and expresses no opinion on this restriction.

Alternatives

55. LCRA has evaluated many alternatives to address the emergency conditions that the drought presents. Alternatives explored include: Utilizing water from LCRA's other lakes, aggressive conservation, interbasin transfers, an off-channel reservoir, and trucking in water from other sources. LCRA has evaluated many other alternatives to address the emergency conditions that the drought presents.

56. None of the alternatives LCRA has identified would avert the projected water supply shortage because most of the supplies identified would produce insufficient or uncertain quantities of supply, would create other operational issues for customers, may involve a lengthy permitting process (if not implemented on an emergency basis), or would take years to develop. None of the alternatives identified are feasible or practicable alternatives to the emergency authorization.

57. Amending downstream run of the river rights to allow diversion for new uses and at new locations would provide some supply, but the use of these rights alone is not – by itself – a feasible and practicable alternative to the emergency relief related to the 2010 WMP. All of the rights would require amendments to add diversion points, additional places of use, and possible storage. Also, the downstream run-of-river water rights are highly variable in terms of availability and quantity, and do not provide by themselves a sufficient quantity of water to eliminate the need for the emergency relief from the 2010 WMP as requested herein.

58. Using the downstream water rights to supply the downstream industrial and municipal users kept about 7,000 and 1,000 AF of water in the lakes in 2012 and 2013, respectively. Using a permanent amendment to the Gulf Coast water right allowed LCRA to divert from the river for industrial customers in the Gulf Coast Canal System about 9,800 AF and 10,200 AF in 2012 and 2013 respectively. This water would otherwise have been released from Lakes Buchanan and Travis. LCRA is seeking other temporary permits in 2015. While this was beneficial, temporary permits are not sufficient replacement for water lost if releases are required.

59. Reductions in water use will not result in preventing the emergency that would be created by falling reservoir levels due to the releases of stored water to irrigators under the 2010 WMP. Implementing reduced water use will likely take considerable time before the water savings identified in LCRA's DCP would be seen.

60. Aggressive municipal conservation requires solid partnerships with customers, a good method for calculating water savings and a strong education and enforcement program; measures that are costly and take time. And, the result would be an insufficient amount of water.

61. Although groundwater appears to be available in many areas, the uncertainty associated with the long-term availability of groundwater supplies makes this a high-risk alternative for water supply. Many areas have Groundwater Conservation Districts (GCD) that regulate use and permitting of groundwater. Obtaining written agreements with landowners takes approximately 9 to 12 months and obtaining permits often takes several years.

62. LCRA has a permit for an off-channel reservoir in the lower basin that will add 90,000 AF of firm water for the region. LCRA is moving forward with constructing this reservoir, but it is not expected to be on-line until 2017.

63. The use of other LCRA lakes is not a viable option at this time. Lakes Inks, LBJ and Marble Falls are not currently authorized for municipal use. If LCRA quit refilling these lakes but allowed the lakes to be maintained at levels that would not have significant impacts to cities and industries around them, it estimates that perhaps a one-time supply of about 34,000 AF could be made available. However, lowering the storage of these lakes could also significantly impact hydroelectric generation capabilities.

64. Several LCRA-managed lakes are cooling water reservoirs with operational constraints. Any released surface water from Lake Bastrop would need to be replenished with either surface water (including releases from Lakes Travis and Buchanan) if there is no rain, or from a limited supply of groundwater. There are operational and timing issues related to releasing and replenishing water in the lake on a schedule needed for generation reliability. Releases from other intervening lakes could raise operational issues for LCRA's firm customers over a timeframe that cannot be readily addressed.

65. LCRA is pursuing a formal amendment to its 2010 WMP but that process will not be completed in time to address LCRA's requested relief. LCRA filed an application to amend its 2010 WMP on March 12, 2012. TCEQ prepared a draft permit for LCRA comment on October 12, 2012. Notice of the application was sent to all water right holders in the Colorado River Basin and published in local newspapers in April 2013. May 28, 2013 was the last date to request a public meeting or a contested case hearing, or comment on the application. On June 3, 2013, the TCEQ Executive Director advised LCRA that he would not be forwarding the application to the Commission at that time, and his staff would be conducting further review on the application. The Executive Director's staff issued a draft report with recommendations on curtailments of interruptible water on May 16, 2014. LCRA submitted a revised application on October 31, 2014, with similar curtailments to those recommended by the Executive Director.

66. LCRA is also seeking an Emergency order under Texas Water Code Section 11.148 in an application dated December 23, 2014, to reduce the release requirement for the Blue Sucker fish under the 2010 WMP. This request is identical to LCRA's request for relief granted in spring 2014. While beneficial, this relief will not replace the water that would be released to irrigators under the 2010 WMP.

67. This emergency order is the only means by which LCRA can obtain timely relief to make a significant impact on its remaining storage in a workable manner.

68. The conditions at the time of this emergency order create an emergency situation which presents an imminent threat to the public health and safety and justifies the issuance of this emergency order.

Relief Requested

69. LCRA seeks an emergency order to suspend any obligation LCRA might have under the 2010 WMP to provide interruptible stored water to any landowners or customers within the Gulf Coast, Lakeside, and Pierce Ranch irrigation operations if the TCEQ determines that conditions have not changed substantially by March 1, 2015, compared to conditions in mid-November 2014. If conditions have changed substantially, following the 2010 WMP will still likely create an emergency situation, but a less restrictive curtailment of interruptible stored water may be appropriate.

Notice

70. Notice was provided to the Governor of Texas regarding the Executive Director's consideration of this emergency order by letter dated February 17, 2015. The date and time of the hearing at which the Commission will consider whether to affirm, modify, or set aside this order is included in this emergency order under the Ordering Provisions. Notice of this emergency order and of the Commission hearing will be mailed to all water right holders in the basin.

II. CONCLUSIONS OF LAW

1. The Executive Director may issue an emergency order under Texas Water Code Section 11.139 to amend a certificate of adjudication after notice to the Governor if the Executive Director finds that emergency conditions exist which present an imminent threat to the public health and safety and override the necessity to comply with established statutory procedures which requires immediate action before the Commission can take action and there are no feasible practicable alternatives to the emergency authorization.

2. The Findings of Fact show that the requirements of Conclusion of Law No. 1 have been met. Following the 2010 WMP with the ongoing drought and its effect on the water supply constitutes an emergency that presents an imminent threat to the public health and safety and there are no feasible, practicable alternatives to this action. The Executive Director of the Commission has the authority to issue this emergency order.

3. The Commission must consider whether to affirm, modify, or set aside an emergency order issued by the Executive Director under Section 11.139 of the Texas Water Code no later than 20 days after the Executive Director issues the order.

NOW, THEREFORE, BE IT ORDERED BY THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. LCRA's 2010 WMP is amended to alleviate LCRA from any obligation to provide interruptible stored water to customers within the Gulf Coast, Lakeside, and Pierce Ranch irrigation operations for the duration of this emergency order.

2. This emergency order is final and effective on February 18, 2015.

3. This emergency order terminates in 120 days, which is on June 18, 2015.

4. This emergency order may be renewed once for no more than 60 days.

5. This order only addresses the specific relief requested from LCRA and is not meant as precedent for amendments to LCRA's WMP or future emergency relief.

6. The Commission will consider whether to affirm, modify, or set aside this emergency order on March 4, 2015 at 9:30 a.m. at:

   Texas Commission on Environmental Quality
   12100 Park 35 Circle
   Building E, Room 201S
   Austin, Texas

7. If any provision, sentence, clause, or phrase of this emergency order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of this emergency order.

Issue Date:

February 18, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Richard A. Hyde, P.E.
Executive Director