
**APPENDIX 3:
LOCAL AND REGIONAL AUTHORITIES**

This appendix describes several regional and local agencies that have authority over matters affecting the environment of Galveston Bay. In addition to these authorities, the planning and/or health departments of the nearly twenty cities and four counties bordering the bay undertake activities affecting the bay, including zoning and wastewater treatment and discharge. These cities and counties are:

Cities:

Alvin
Anahuac
Angleton
Baycliff
Baytown
Bayview
Deer Park
Dickinson
Friendswood
Galveston
Hitchcock
Houston
Kemah
LaPorte
LaMarque
League City
Pasadena
Texas City

Counties:

Brazoria County
Chambers County
Galveston County
Harris County
Liberty County

This appendix does not describe the general powers of the cities and counties, which are covered in the main text under each action plan topic. Briefly, county health departments regulate septic tanks (see Nonpoint Source) and various aspects of human health. Cities are responsible for ensuring that their wastewater treatment plants meet standards to minimize the impact of point source discharges, and they must obtain NPDES and TWC permits for their treatment plants. Cities are also responsible for developing plans to reduce the effects of nonpoint source pollution. Municipal drinking water demands, which have a high priority, may affect freshwater inflow to the bay. Localities play the largest role in regulating shoreline development through their zoning ordinances; to the extent that they encourage and/or regulate shoreline development, they also affect habitat and species protection.

Chambers-Liberty Counties Navigation District

The Chambers-Liberty Counties Navigation District (C-LCND) was established in 1944 by the County Commissioner's Court of Chambers County. The district is organized according to the provisions of Art XVI, Sec. 59 of the Constitution of the State of Texas, and Articles 8262h, 8247a, and 8247d, Vernon's Texas Civil Statutes. At first, the district was financed through bond and property taxes levied on property in the district. In 1974, the district inherited the power to assess landowners after it was converted to a self-liquidating system under the Texas Constitution. C-LCND is governed by a 3 member board of directors. One member is chosen from each county by the County Commissioners and the swing member is selected by both counties.

The district has undertaken a range of projects both to provide water and use existing water resources. Among the projects are the Port of Liberty, which is used by private companies, Cedar Bayou which is used by U.S. Steel and Houston Lighting and Power as well as other companies, and Smith's Point which is used for commercial fishing, shrimping and oyster harvesting. Lake Anahuac, built by C-LCND, provides a source of water which is sold to rice farmers in the area and to the Trinity Bay Conservation District which furnishes water to consumers in Hankamer, Emminence, Wallisville, Lake Anahuac, East Anahuac, Double Bayou, Smith's Point, and South Bayshore of Anahuac. Water is also furnished by C-LCND to oil companies for their local drilling operations. The district also works in conjunction with the federal Army Corps of Engineers in dredging the Double Bayou and the Trinity River from the 10 mile marker to the Port of Liberty. The district owns at least 170,000 acre feet of water rights and offshore land including the tract from Lake Anahuac to Smith's Point.

Chambers-Liberty Counties Navigation District is one of four navigation districts in the five-county area; the others are Port of Houston Authority (discussed below), Brazoria River Harbor ND, and Galveston County ND #1. See discussion of Water Districts below for additional information.

The Gulf Coast Waste Disposal Authority

The Gulf Coast Waste Disposal Authority (GCWDA) was created in 1969 as a special law conservation and reclamation district responsible for waste management activities. GCWDA's primary jurisdiction includes Chambers, Galveston, and Harris counties. It was granted broad regulatory and enforcement powers, including setting and enforcing water quality standards subject to Texas Water Commission approval; setting standards of operation for all aspects of solid waste handling; promulgating and enforcing rules concerning the disposal of waste from watercraft. However, GCWDA decided not to pursue its broad regulatory powers following a defeated tax provision in 1970. GCWDA's problems are comparable to those of other agencies that must both provide a service and encourage its use while regulating it at the same time.

In 1973, the then Texas Water Quality Board requested that GCWDA implement a regional municipal waste treatment system in the Cypress Creek watershed. GCWDA encountered both practical and political obstacles in attempting to implement the regional system, so it sought and received permission to be released from the responsibility of establishing the regional system. Currently, GCWDA operates eleven municipal wastewater treatment plants and seven water treatment plants serving approximately twenty-four districts and cities. Five of these are large, regional facilities. The Authority owns and operates three industrial wastewater treatment facilities handling liquid waste from over forty-five plants. These facilities are located in the Bayport Industrial District, the Texas City area, and along the Houston Ship Channel. In addition, GCWDA operates a Class I industrial waste disposal facility in Galveston County near Texas City. All of these facilities are subject to the appropriate state and federal permit and monitoring requirements. Finally, the Authority has assisted in financing pollution control by issuing over \$800 million in bonds. These bonds have been utilized by the cities of Columbus, Galveston, Houston, La Marque, and League City as well as by many local companies to finance pollution control facilities.

Harris Galveston Coastal Subsidence District

The Harris Galveston Coastal Subsidence District (HGCSO) was created in 1975 by the Texas Legislature in response to increasing damage caused by subsidence in the Houston-Galveston region which is the sinking of the land surface caused by the withdrawal of underground fluids, primarily water. To control subsidence the HGCSO is authorized to regulate the withdrawal of groundwater within Harris and Galveston Counties and has the power to compel a party withdrawing groundwater to use surface water instead if it is available. The district is governed by a 15 member board of directors appointed by local elected officials and is financed through the permitting of water wells. A permit from HGCSO is required in order to drill or operate a well in Harris or Galveston Counties. A fee is paid by the permittee based on the annual allocation of groundwater authorized by the board.

HGCSO has controlled subsidence through a plan reducing groundwater pumpage through conversion to surface water through the year 2020. The District Plan divides the two county area into eight regulatory areas and establishes a time table for each area to reduce groundwater withdrawal to a percentage of total water use. The district monitors subsidence at eleven sites in the two counties. The HGCSO also funds studies covering regional water reuse and regional water supply, and educates the public about subsidence and water conservation.

Harris County Pollution Control Department

The Harris County Pollution Control Department (HCPCD) was initially established in 1953 as the Stream and Air Pollution Control Section of the Harris County Health Department.

In 1971, the section was formally separated from the Health Department and given its present name. HCPCD is directly responsible to the Commissioners Court. The department is divided into five sections: Administration, Engineering, Case Preparation, Laboratory, and Field. It employs a staff of 52 people (15 of whom work in the field office) and focuses on ensuring compliance with wastewater discharge permits, air emissions permits, and municipal landfill permits in Harris County. The department also maintains a 24-hour citizen's complaint hotline which received nearly 2,000 complaints in 1990 alone.

HCPCD maintains its own laboratory to process samples. HCPCD normally samples all permitted municipal wastewater dischargers within the county once every two months. Permitted industrial wastewater dischargers are normally sampled once every three weeks. Parameters analyzed for permitted municipal discharges include BOD, TSS, fecal coliform, pH, chlorine, and ammonia. Analysis of industrial discharges covers all conventional pollutants, as well as all metals. Additionally, the HCPCD takes water samples at nine locations in the Houston Ship Channel once every month, and takes samples on the San Jacinto River with the same frequency at six sites. No analysis for toxic pollutants is performed. In 1990, the HCPCD analyzed 5,754 water samples.

The department's air quality program is less comprehensive than its water program, but does take ambient and source air samples. The HCPCD's solid waste program is directed almost exclusively towards municipal solid waste, with permit evaluations and on-site inspections performed to ensure permit compliance. The department issued over 1,000 violation notices concerning permit violations in 1990. Although the HCPCD cannot assess administrative fines, it does pursue criminal and civil suits through the County and District Attorneys.

Houston-Galveston Area Council

The Houston-Galveston Area Council (H-GAC) is a voluntary association of approximately 150 local governments in the thirteen-county Gulf Coast area. The H-GAC is one of 24 regional planning districts designated by the governor. H-GAC represents the interests of its member governments, provides a public forum on issues of regionwide significance, and promotes regional planning and cooperative solutions to shared problems. H-GAC is also the state-designated solid waste planning agency for the upper Gulf Coast Region.

The Port of Houston Authority

The Port of Houston Authority is a special navigation district which promotes navigation and commerce for the Port of Houston and owns and operates related public facilities along the Houston Ship Channel. Initially established in 1909 by the Texas Legislature, the voters of Harris County approved the Port as the Harris County Houston Ship Channel Navigation District in 1910. The District was given expanded powers concerning fire and safety by the Texas Legislature in 1971, and was given its present name at the same time. The Port of

Houston ranks second in foreign tonnage and third in total tonnage in the United States, and is one of the ten largest ports in the world. The Authority owns 39 general cargo wharves and two liquid cargo wharves which are available for lease. In addition, the Authority owns and operates the following facilities: the Turning Basin Terminal (including the Houston Public Elevator), the Bulk Materials Handling Plant, the Fentress Bracewell Barbour's Cut Container Terminal, and the Jacintoport Terminal. The Authority also operates the Malcolm Baldrige Foreign Trade Zone, and owns and operates three fire safety boats.

As the local sponsor of the Houston Ship Channel, the Authority is charged with acquiring, constructing, and maintaining disposal sites for dredged material resulting from maintenance dredging of the Channel. Sections of the Channel are dredged on three year cycles, and the Authority has devoted 5,000 acres for the disposal of dredged materials. Additional sites for disposal must be acquired in the future, especially in the lower middle and lower sections of the Channel. The Authority does not possess any general pollution control authority; however, it does issue permits for structures built in the Channel. Generally, the Corps of Engineers notifies the Authority concerning proposals for work in and along the Channel, and the Authority then analyzes the proposed work from the perspective of navigational safety. The Authority may levy bonds.

The Authority is an active participant in the plan to widen and deepen the Houston Ship Channel. It serves on the Corps of Engineers Inter-Coordination Team for the project. As the local sponsor, it will be responsible for all activities concerning disposal sites for dredge material resulting from the proposed project, which is to take place in two stages: first from the present 40 feet wide/400 feet deep to 45/530 and then to 50/530. Before Congress can approve the project, the Port of Houston Authority must sign a local agreement with the Corps; at present, the two entities disagree about some of the environmental aspects of the proposed dredge material disposal plan.

San Jacinto River Authority

The San Jacinto River Authority (SJRA) has jurisdiction over the San Jacinto River basin. The SJRA must maintain a master plan for the entire basin, serve as the local sponsor for federal water projects in the basin, and provide public services authorized by the legislature. Although it has no formal authority for regulating nonpoint source pollution the SJRA does try to work with the many other agencies and cities that have jurisdiction on and near the river. The SJRA provides the following public services: wastewater treatment, water treatment, flood control, recreation, and reservoir operations.

Soil and Water Conservation Districts

The Texas Soil and Water Conservation Board (see above, appendix 2) has established more than 200 soil and water conservation districts, most of which are coterminous with county

boundaries. Each district is governed by a five-member elected board, all of whose members must be active farmers or ranchers. They coordinate and administer conservation activities within the district with the assistance of a federal agent delegated from the U.S. Soil Conservation Service. In the Galveston Bay area, the four soil and water conservation districts are: Brazoria/Galveston, Chambers, Harris, and Liberty. The last three of these districts are in state soil and water conservation region 4, while Brazoria is in region 3. Local districts are conducting projects that reduce erosion of wetlands and minimize agricultural runoff.

Trinity River Authority

The Trinity River Authority (TRA) has jurisdiction over almost the entire Trinity River basin with the exception of its northernmost section. Created in 1955 by the Texas Legislature, the TRA must maintain a master plan for the entire basin, serve as the local sponsor for federal water projects in the basin, and provide public services authorized by the legislature. Although it has no formal authority for regulating nonpoint source pollution the TRA does try to work with the many other agencies and cities that have jurisdiction on and near the river. The TRA provides the following public services: wastewater treatment, water treatment, flood control, recreation, and reservoir operations. The Authority operates six regional wastewater treatment facilities in the basin in addition to a multitude of additional wastewater and water treatment facilities. Revenue for TRA operations comes from fees for water and wastewater utilities; it may also levy taxes subject to voter approval but has not chosen to do so. To date, the TRA has provided services primarily in the northern two-thirds of the basin.

The TRA does own and operate Lake Livingston, which was constructed to provide a source of water supply for the City of Houston and the lower basin. Under a contractual agreement, the City of Houston maintains rights to 70 percent of the dependable annual yield from the reservoir (1,254,400 acre feet), while the TRA maintains the rights to the remaining portion ((351,600 acre feet). TRA is under contract to three rice irrigation canal companies downstream from Lake Livingston to release up to 207,820 acre-feet of water annually for rice farming. The TRA must manage the water of Lake Livingston to control the intrusion of saltwater up the mouth of the river, releasing sufficient water to prevent saltwater from entering irrigation canals or municipal water intakes. In addition, the Authority operates two recreational projects, including one located at Lake Livingston.

The Master Plan for the basin developed by the TRA contains basin-wide goals, projections concerning future water demands, descriptions of present and future projects, and brief discussions relating to management concerns. The management goals do not assign responsibility for implementation to any of the various independent agencies operating within the basin. Indeed, of the more than 20 major reservoirs on the Trinity River, only Lake Livingston is controlled directly by TRA. The Master Plan does identify the construction of a salt water barrier near the mouth of the Trinity as "one of the most

critically needed and longest delayed projects in the Trinity River Basin (Trinity River Authority, 1989, p.28). The Wallisville Project has been proposed to meet this need, with TRA acting as the local sponsor for the project. Construction on the project was stopped through a court injunction in 1973. This injunction was subsequently lifted in 1987 by the Federal Court of Appeals, and now awaits federal funding (Trinity River Authority, 1990, p. 13). It is not clear, however, if the controversial project will ever be implemented (Browning, Interview, July 23, 1991). The Authority will also play a lead role in the implementation of a basin-wide water quality inventory pursuant to Senate Bill 818, passed in the 72nd Texas Legislature (1991).

Some of the other agencies in the northern, most populated portion of the Trinity River that have responsibility or jurisdiction over the river include Dallas Water Utilities, Tarrant County Water Control and Improvement District #1, Fort Worth Water Department, North Texas Municipal Water District, and the North Central Texas Council of Governments.

Water Districts

Texas law provides for creation of several kinds of independent water districts. Water districts can be created by county commissioners court, city ordinance, the Texas State Legislature or the Texas Water Commission. Chapters 51, 53 and 54 of the Texas Water Code explain the steps to create a water district. Cities often use water districts to develop with minimal expense by annexing an already established community with roads already constructed, sewers and waterlines in place. Water districts are funded by general obligation and revenue bonds. Ad valorem property taxes and revenues from water and sewage treatment services are pledged to pay the bonded indebtedness. Other possible revenue sources include a maintenance tax, stand-by charges, tap fees and loans from the developer. The district must hire a tax assessor-collector to prepare the tax rolls. A major problem with water district operations is the lack of qualified operators for water treatment plants.

There are ten kinds of districts, including Levee Improvement Districts, Navigation Districts (see description of Chambers-Liberty Counties Navigation District above), Drainage Districts, Irrigation Districts, Special Utility Districts, and Underground Water Conservation Districts. The following three kinds of districts are most common in the five-county area surrounding Galveston Bay:

Fresh Water Supply Districts are created to provide for the conservation, transportation and distribution of fresh water and are also allowed to operate sanitary sewer systems.

Originally designed for irrigation purposes, Water Control and Improvement Districts (WCIDs) have the power to provide for domestic and commercial water supply, drainage, sewage disposal, reclamation and conservation. These broad powers make such districts useful tools for development.

Created in 1971, Municipal Utility Districts may provide water, sewerage systems, solid waste collection, drainage, fire fighting, and recreational facilities. For at least the first two years, the developer has full control over the district's operation.

Some districts become financially dormant, meaning that they are not undertaking any activity. The following table describes the status, means of creation, and type of the more than 500 water districts in the five-county area surrounding Galveston Bay.

Table A1: Water Districts in the Five-County Area

<u>Status:</u>	<u>Active</u>	<u>Inactive</u>
Created by:		
<u>Legislature</u>		
MUD	63	22
WCID	20	5
FWSD	4	
DD	2	1
UWD	1	
ND	1	
Other	7	1
<u>TWC</u>		
MUD	260	78
WCID	15	15
County		
DD	10	
MUD	8	1
FWSD	7	
WCID	3	1
ND	3	
Other	1	