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 June 17, 2015, the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) considered an application from the Lower Colorado River Authority (LCRA) for a new 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 any other applicable law.

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

I. FINDINGS OF FACT

1. On May 15, 2015, LCRA filed a request for an emergency order (EO) to suspend 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 remainder of the irrigation season. 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.

2. On June 5, 2015, LCRA updated its EO request. LCRA's amended request is attached hereto as Attachment B and incorporated herein by reference.

3. On February 18, 2015, the ED issued an emergency order allowing the LCRA to suspend the requirement in LCRA's WMP to make releases of interruptible stored water to customers in the Gulf Coast, Lakeside, and Pierce Ranch irrigation operations for the first part of the 2015 irrigation season. The Commission affirmed that order in its public meeting on March 4, 2015. That order will expire on June 18, 2015.

LCRA'S Water Rights and 2010 Water Management Plan

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

Combined Storage of Lakes Buchanan and Travis	Date on Which Trigger is Decided	Action Taken
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.

9. 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."

10. 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.

11. 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.

12. 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.

13. Under the 2010 WMP, there is no 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.

Current Conditions

14. Rainfall, which resulted in an amount of about 71,001 AF of inflows, or 21% of average, in the Highland Lakes watershed, increased in the first four months of 2015. In May, inflows jumped to about 400,000 acre AF. On June 4, 2015, the combined storage was 1,337,831 AF or 66 percent full. On June 16, 2015, the combined storage was 1,377,689 AF or 68 percent full.

15. Despite recent rainfall, rainfall in the watershed and flows to the lakes have consistently been low for the last few years, as set out in more detail in findings below. If conditions return to pre-May 2015 levels, and LCRA has to release stored water, conditions could deteriorate quickly and a DWDR could occur by June 2016. This date assumes that 175,000 AF is made available to downstream irrigators in 2015, and that LCRA follows the 2010 WMP in 2016.

16. Based on a combined storage level of 689,400 AF on January 1, 2015, the 2010 WMP would have required LCRA to make available about 175,000 AF (requiring the release of 210,000 AF) for the 2015 crop year. Although this demand is likely reduced at this time because planting decisions have already occurred, farmers that started rice on groundwater or farmers seeking to use water for other crops could call on stored water under the 2010 WMP.

17. LCRA does not know how much stored water may be called for to release for the rest of this irrigation season Based upon acreages filed with the Farm Service Agency, in 2014, approximately 5,000 acres of rice were planted on groundwater in Matagorda County, approximately 27,200 acres in Wharton County, and approximately 12,300 acres in Colorado County. Data from 2015 is not yet available, but LCRA staff expects 2015 acreages to be similar.

18. May 2015 rainfall is only the second month in the past five years in which inflows were above average for the month. Continued normal and above-normal inflows are needed to offset the years of record-low inflows.

19. In 1952, inflows to Lakes Buchanan and Travis increased the storage by 970,000 AF, from 621,221 AF to 1,592,000 AF. Yet the drought of the 1950's did not end until 1957.

20. On September 10, 2009, the storage level in Lakes Buchanan and Travis was 789,357 AF, or 39 percent of capacity. By May 1, 2010, the storage level was 1,815,264, or 90 percent of capacity. The drought did not end, however, and was followed by extremely low inflow years.

21. The first criteria for a DWDR has 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 had been met until this month. The inflow deficit was at least five percent worse than the average inflow deficit over a similar period of time during the Drought of Record for at least 6 months. 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.

22. 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 May 1, 2015, the lakes were at 767,000 AF, which is the third lowest May 1 combined storage level in LCRA's history. While the combined storage level is 1,377,689 AF as of June 16, 2015, storage levels could drop dramatically. 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. The lakes were 31.7% full.

23. The inflows into the lakes have been 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. Inflows in 2014 were the second lowest inflows on record.

24. The average annual inflows over the past seven years, from 2008 through 2014, have been about 32 percent of the long-term average from 1942 through 2014.

25. The inflows into Lakes Buchanan and Travis during the current drought have been the lowest for the time periods ranging from 12 months to 84 months, and are significantly lower 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.

26. After adjusting inflows to account for the fact that O.H. Ivie Reservoir did not exist in the 1950's, the comparison of the current drought to the Drought of

Record shows the recent inflows (until May 2015) were dramatically lower than the 1950's drought. Inflows since 2008 are at about half of the inflows for the first seven years of the Drought of Record.

27. High temperatures have been unprecedented. State Climatologist, Dr. John Nielsen-Gammon, recognized 2011 as the worst one year statewide drought on record dating back to 1895. The summer of 2011 was the hottest on record in Texas, and 2011 was also the hottest in Austin. Year 2011 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.

28. Total average rainfall across Texas from October 1, 2010, to September 30, 2011 was 11.18 inches, or 38% of the long-term average. This is lower than the previous record of 13.91 inches occurring between October 1955 and September 1956.

29. Since 2011, there have been some periods with closer to normal rain fall totals, but the rainfall has generally been sporadic, often with several weeks between rainfall events. Heavy widespread rain in the Llano and San Saba River watershed on September 19 and 20, 2013, averaged two to three inches in the watersheds, but included isolated totals of up to six or seven inches. Yet this rain event only yielded approximately 24,000 AF of inflow to the lakes.

30. Rain in 2014 in the watershed contributing to Lakes Buchanan and Travis 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, 2014, and one to three inches failed to provide more than 17,000 AF of inflow in late November. A rainfall March 20 -22, 2015 of about 1 to 2.5 inches above the Highland Lakes produced only 17,000 AF of inflow, while a rainfall event of 2 to 4 inches in March of 2007 yielded almost 100,000 AF of inflow. The limited amount of inflows shows the severity of the ongoing drought and the dry soil conditions.

31. Inflows to the lakes have been below average in 59 of the past 61 months. From January to April 2015 rainfall totals were close to normal, but inflows were only about 21 percent of the historical period for that four-month period.

32. The National Weather Service's Climate Prediction Center three months drought outlook calls for drought improvement and possible drought elimination across the Hill Country, Central Texas and middle Texas coastal region between the months of May and July. As of May 2015, the sea surface temperatures in the tropical Pacific were above the threshold for El Niño. Rainfall forecasts are normal to above normal rainfall for the Highland Lakes watershed for May and June, with more normal rainfall in July and August, which tend to yield low rainfall totals. Later this year, normal to above normal rainfall is again forecast for the area. While this forecast is promising, many times there has been little yield of inflows and the large storms hit downstream of Lake Travis.

33. The 2010 WMP was developed using simulations of a repetition of the hydrologic period from 1940 to 1965. While that period includes the 1950's Drought of Record, the recent severe low inflows of 2011 and 2013 are less than half of the lowest annual inflow in the 1950's 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 in 2014.

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

35. As of May 1, 2015, for the ongoing drought, actual inflows into the Highland Lakes and the combined storage in Lakes Buchanan and Travis have trended close to the 99th percentile exceedance trace for extended periods.

36. In early May, the U.S. Drought Monitor showed that most of the Texas Hill Country and the Highland Lakes Watershed is within the "moderate to severe drought" classification. On June 8, 2015, most of the state is out of drought classification, although some of the Highland Lake watershed is in the "abnormally dry" classification. However, the Drought Monitor does not specifically show hydrologic drought, which is worse than the depicted conditions.

37. LCRA's canals for the delivery of irrigation water have been shut down since 2012. It is likely that use of these canals will result in significant losses of water. If only a limited supply was made available, it would be difficult to decide how to efficiently use these canals. If water is delivered to Lakeside or Gulf Coast, significant amounts of water would be required to recharge and fill these canals to get the water to the delivery points.

Impact on LCRA's Firm Customers

38. 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.

39. 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.

40. 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.

41. In 2014, firm water supplied from Lakes Buchanan and Travis was about 128,000 AF, including 5,000 AF for the environment, and 16,000 AF of interruptible stored water for the Garwood Irrigation Division. The total supply of water from the two lakes in 2014 was about 149,000 AF.

42. 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.

43. 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.

44. 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.

45. At the time of this order, over 40 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.

46. 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.

47. 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.

48. 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

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

50. 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.

51. 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's 1989 WMP Order.

52. 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.

53. 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%.

54. 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 .

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

56. 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.

57. 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.

58. 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.

59. 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. The LCRA Board approved the no more than once per week watering restriction that took effect in March 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

60. 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.

61. 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.

62. 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.

63. 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. In the first four months of 2015, LCRA has supplied approximately 3,000 AF under these temporary permits. This water would otherwise have been released from Lakes Buchanan and Travis. While this was beneficial, temporary permits are not sufficient replacement for water lost if releases are required.

64. 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.

65. 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. 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.

66. According to a study from the Texas Water Development Board, measures required to achieve 15 to 20 percent savings of water would have onerous effects on customers, affecting customers' quality of life and local economic conditions.

67. 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.

68. In 2013, LCRA obtained groundwater production permits in Bastrop County and since that time has installed wells that are meeting most of the demand at the Lost Pines Power Park. The City of Burnet has begun using its groundwater wells to meet a portion of the demand. Obtaining written agreements with landowners takes approximately 9 to 12 months and obtaining permits can take several years.

69. 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.

70. 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.

71. 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 Buchanan and Travis) 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.

72. 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.

73. LCRA received an emergency order under Texas Water Code Section 11.148 for an application dated December 23, 2014, to reduce the release requirement for the Blue Sucker fish under the 2010 WMP. While beneficial, this relief would not replace the water that would be released to irrigators under the 2010 WMP.

74. 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.

75. 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

76. 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 for the duration of the emergency order.

Notice

77. Notice was provided to the Governor of Texas regarding the Executive Director's consideration of this emergency order by letter dated June 16, 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 ED 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 ED 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. Despite the recent rainfall, following the 2010 WMP with the ongoing drought and its effect on the water supply constitute 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 June 17, 2015.

3. This emergency order terminates in 120 days, or October 15, 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 July 1, 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:

June 17, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Richard A. Hyde, P.E.
Executive Director