Effective: August 16, 2018

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Change

Rule Project No. 2017-034-295-OW
HB 1600 and SB 567 (83rd), HB 1648, HB 3735, SB 864, SB 1430 (85th): Water Rights – Expedited Amendments, Notice, & Conservation, and PUC Transfer

Chapter 80
Contested Case Hearings
Subchapters A and F

Chapter 288
Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements
Subchapters A and C

Chapter 295
Water Rights, Procedural
Subchapters A and C

Chapter 297
Water Rights, Substantive
Subchapter E

1. Purpose. This change transmittal provides the pages that reflect changes to the Texas Commission on Environmental Quality (commission) Volume of Permanent Rules.

2. Explanation of Change. On July 25, 2018, the commission adopted the following:

Amended §80.4 and §80.252 without changes to the proposed text as published in the February 23, 2018, issue of the Texas Register (43 TexReg 1007) and, therefore, the text of the rules was not republished;

Amended §288.1 with change to the proposed text as published in the February 23, 2018, issue of the Texas Register (43 TexReg 1013) and, therefore, the text of the rule was republished; and amended §288.30 without change to the proposed text and, therefore, the text of the rule was not republished;

New §295.73 and amended §295.153 with changes to the proposed text as published in the February 23, 2018, issue of the Texas Register (43 TexReg
1019) and, therefore, the text of the rules was republished. New §295.121 and §295.122; the repeal of §§295.121 – 295.126; and amended §295.151 and §295.152 without changes to the proposed text and, therefore, the text of the rules was not republished; and

Amended §297.46 without change to the proposed text as published in the February 23, 2018, issue of the Texas Register (43 TexReg 1026 and, therefore, the text of the rule was not republished.

3. Effects of Change. The adoption implemented House Bill (HB) 1600 and Senate Bill (SB) 567, 83rd Texas Legislature, 2013, which amended requirements related to the transfer of the utilities and rates program to the Public Utility Commission of Texas; HB 1648, 85th Texas Legislature, 2017, which amended requirements relating to certain retail public utilities and their designation of a water conservation coordinator; HB 3735, 85th Texas Legislature, 2017, which amended specific map requirements and codified the commission’s practice regarding consideration of the public welfare in water rights applications; SB 864, 85th Texas Legislature, 2017, which amended notice requirements relating to alternate sources of water used in water rights applications; and SB 1430, 85th Texas Legislature, 2017, and HB 3735 which amended provisions relating to applications to change the diversion point for existing non-saline surface water rights when the applicant begins using desalinated seawater.