

Texas Commission on Environmental Quality  
Water Rights Advisory Work Group  
March 1, 2009  
Building E, Room 2015  
10:00 AM

Welcome and Introductions: Steve Ramos

Update on Rule Packages: Ron Ellis

- **New Notice Rule** – Adopted 12/9/09, Effective 12/31/09.  
Notice of Water Rights applications is now after the application is declared technically complete.
- **SB1711, Sediment Control Ponds** – Adopted 12/9/09, Effective 12/31/09.  
The rules define an exemption for use of water from exempt sediment control reservoirs in surface mining operations for fire suppression and dust control.
- **HB2667, Plumbing Fixtures** – Public Hearing held 11/17/09, Adoption Agenda scheduled for 3/30/10.  
The rules define a phase-in of more efficient plumbing fixtures sold in Texas. The new standards are similar to EPA's WaterSense Program. The bill repeals the TCEQ's certification process and listing fees.
- **HB4231, Imported Water** – Public Hearing held 1/5/10, Adoption Agenda scheduled 4/14/10.  
The rules define application procedures for authorizations to convey water imported from outside of Texas using the beds and banks or state watercourses. It also establishes that imported water is exempt from interbasin transfer notice requirements.

New Notice Procedures: Iliana Delgado

- Notice for water rights applications will be issued after an application is technically complete. The notice will now include a summary of the application and the Executive Director's recommendation on the application.
- Rule §281.17 and §295.151
- Questions: Will TCEQ continue to process 11.122(b) applications the same way? Response: Yes, staff must evaluate the criteria and make a notice recommendation. Amendment applications for de minimus diversions that have already been heard at agenda will not require agenda to determine notice requirements.
- Questions: What kind of recommendations (technical recommendations) will the Executive Director include in the notice? Response: We are not sure at this point as we are continuing to work thru the new process.

Section Update: Kellye Rila

- Hydro Team Leader position has been posted
- Introduction of new employee
  - Eria Harvey, Water Rights Permitting Team
  - Joann Eagle, PE, Hydrology Team
  - Karen Holligan, Resource Protection Team
- New Division Director
  - Linda Brookins
- Environmental Flows update – Recommendations received from the first two expert Science teams for the Trinity-San Jacinto and the Sabine-Neches. They are out for comment now. Stakeholders are working on their comments which are due back to the Commission on June 1, 2010. The Commission will have one year to make rules based on those comments.
  - Rules have to be in place on June 1, 2011.
  - Other agencies and science groups can also respond to the recommendations prior to rule making.
  - The Nueces Estuary group is getting their BBEST together.
  - The Science Advisory Work Group meets monthly and reviews recommendations received.
  - You can sign up for emails and also locate additional information regarding the Science Teams via our web site at:  
[http://www.tceq.state.tx.us/permitting/water\\_supply/water\\_rights/e\\_flows/group.html](http://www.tceq.state.tx.us/permitting/water_supply/water_rights/e_flows/group.html)
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Commission Actions: Shana Horton

- Cities of Bryan and City of College Station was granted an application which authorizes the use of the bed and banks of several watercourses in the Brazos River Basin to transport current and future groundwater-based return flows issuing from their wastewater treatment plants and to subsequently divert and reuse these return flows.
  - Hearing requests were filed; however a settlement was reached prior to any hearings and the case was remanded to the Executive Director. The permits were issued and include special conditions requiring approved accounting plans.
- Upcoming Hearings at State Office of Administrative Hearings:
  - Lower Neches Valley Authority
  - City of Lufkin
  - City of San Angelo (3 applications)

Other Topics

Discussion was held on recreational ski lakes and volumetric limits to riparian rights. The Commission will continue to follow the statute – recreational lakes must be

permitted. A request was made for a presentation regarding domestic and livestock issues.

Closing Comments: Steve Ramos

Next meeting will be in June 7, 2010.

Domestic and Livestock Presentation at next meeting: Gwen Webb, David Bradsby, and Brad Castleberry.

Contact Steve with ideas for up-coming meetings.