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June 25, 2024

Ms. Gwen Ricco  
Office of Legal Services  
MC 205  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Via electronic submission

**Re: Texas Rural Water Association Comments on TCEQ Rule  
Project No. 2024-006-230-OW**

Dear Ms. Ricco:

The Texas Rural Water Association (TRWA) thanks the Texas Commission on Environmental Quality (TCEQ) for the opportunity to comment on TCEQ Rule Project No. 2024-006-230-OW (Rule Package).

**1. Introduction.**

The TRWA is a nonprofit trade association who represents a membership of more than 880 retail water and sewer utilities that collectively provide potable water and wastewater services to approximately three million Texan residents (TRWA Members). Most of our members are non-profit water supply corporations (WSC) and sewer service corporations (SSC), water districts, and small cities that rely upon groundwater as their source of water supply to serve their communities.

**2. TRWA Rule Comments.**

TRWA appreciates being a partner in this process and was greatly supportive of SB 2440 that established requirements for developers to provide a groundwater availability certificate in municipal and county plat application and approval processes, so that new homes are not built without available water supply. The water utilities serving these areas are important partners in the process and should receive notice of these certificates to both understand the future expected

demand on their water supply and to verify the developer’s representations made regarding water availability.

While it may be assumed that developers routinely consult with the water utilities on groundwater availability and accessibility, that is not always the case. Water utilities need advance notice of a potential increase in demand on their supply so they can reasonably plan for the impacts upon their system and current and future customers and, if necessary, participate in the plat approval process to provide additional information. Therefore, TRWA proposes the following changes to this Rule Package to ensure that the local water utility has notice of a large new demand on their water source for the surrounding area.

### **3. TRWA’s Proposed Rule Changes.**

TRWA requests that the rule changes proposed in red be made to provide notice to the local water utility of a possible increase in demand upon the local aquifer:

#### **230.1(b):**

(b)[(c)] Transmittal of data. Copies [If use of this chapter is required by the municipal or county authority, the plat applicant shall:]

[(1) provide copies] of the information, estimates, data, calculations, determinations, statements, and certification required by §230.8 of this title (relating to Obtaining Site-Specific Groundwater Data), §230.9 of this title (relating to Determination of Groundwater Quality), §230.10 of this title (relating to Determination of Groundwater Availability), and §230.11 of this title (relating to Groundwater Availability and Usability Statements and Certification) must be provided with the certification to:

- (1) the executive administrator of the Texas Water Development Board, ~~and~~
- (2) [to] the applicable groundwater conservation district or districts~~;~~; ~~and~~
- (3) the Applicable Water Utility.

#### **230.1(c)(3):**

(c) [(2)] Plat Attesting Form. The Plat Attesting Form (TCEQ-20983) must be submitted with the certification, attesting [using the attached form, attest] that copies of the information, estimates, data, calculations, determinations, statements, and the certification have been provided to:

- (1) the executive administrator of the Texas Water Development Board, ~~and~~

- (2) the applicable groundwater conservation district or districts~~;~~; and  
(3) the Applicable Water Utility.

**230.2 (2):**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used in this chapter is not contained in this section, it shall have the same definition and meaning as used in the practices applicable to hydrology and aquifer testing.

(1) Applicable groundwater conservation district or districts--Any district or authority created under Texas Constitution, Article III, Section 52, or Article XVI, Section 59, that:

(A) has the authority to regulate the spacing of water wells, the production from water wells, or both, and

(B) which includes within its boundary any part of the plat applicant's proposed subdivision.

(2) Applicable Water Utility—any entity that has the authority to provide retail water service to any part of the plat applicant’s proposed subdivision.

TRWA appreciates the opportunity to comment on these rules.

Respectfully submitted 6/25/2024:

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