

March 25, 2026

Via Electronic Mail

Amy L. Browning
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
amy.browning@tceq.texas.gov

Re: Proposed change to 30 TAC § 293.15

Dear Ms. Browning:

I am writing on behalf of the Texas Press Association (“TPA”) regarding the Texas Commission on Environmental Quality’s (“TCEQ” or the “Commission”) proposed changes to 30 Texas Administrative Code § 293.15(c), which were published in the Texas Register on February 27, 2026. *See* 51 Tex. Reg. 1258, 1265–66 (TRD-202600655) (2026) (the “Rule Changes”).

In 2019, the Texas Legislature passed two bills that revised subsection 54.030(b) of the Texas Water Code. One bill, House Bill 2590, expressly providing for newspaper notice of a municipal utility district (“MUD”) conversion hearing. The other bill, House Bill 2914, made minor changes to 54.030(b) but did not require newspaper notice. As a result, two competing versions of subsection (b) existed in the Water Code.

In 2023, the Legislature addressed the dueling versions of subsection (b) through House Bill 2815, which repealed “Section 54.030(b), Water Code, *as amended by Chapter 539 (H.B. 2914)*, Acts of the 86th Legislature, Regular Session, 2019.”¹ The Legislature looked squarely at the competing provisions and chose not to repeal the version of subsection (b) requiring public newspaper notice that was amended by H.B. 2590. In doing so, the Legislature effectively endorsed the requirement that a converting district continue to provide newspaper notice of a hearing on the issue.

This should come as no surprise since converting a district is a significant issue of public concern and one in which the community should be aware and engaged. The Rule Changes proposed by TCEQ does an end run around this required notice and legislative intent to *retain* newspaper notice. According to the Commission, the Rule Changes “delete existing language in §293.15(c) and §293.15(d) **to remove outdated references to TWC, § 54.030(b) which were repealed by HB**

¹ <https://capitol.texas.gov/tlodocs/88R/billtext/html/HB02815F.HTM>

Amy L. Browning
Texas Commission on Environmental Quality
Page 2

2815.² But, as explained above, H.B. 2815 only repealed the version of subsection (b) that was amended by H.B. 2914—not the newspaper notice requirement added by H.B. 2590.

As such, section 54.030(b), as amended by H.B. 2590, continues to exist in Chapter 54 of the Water Code.³ That surviving provision states:

(b) The governing body of a district which desires to convert into a district operating under this chapter shall, **after providing notice in accordance with Section 54.032**, hold a hearing on the question of the conversion of the district into a municipal utility district operating under this chapter and under Article XVI, Section 59, of the Texas Constitution.

TEX. WATER CODE § 54.030(b) (emphasis added). As noted in bold above, that provision references public notice requirements in Section 54.032, which states:

(a) The governing body of a district described by Section 54.030(b) shall give notice of the conversion hearing by publishing notice in a newspaper with general circulation in the district.

TEX. WATER CODE § 54.032(a). The remainder of section 54.032 outlines the exact requirements: publication once a week for two consecutive weeks, with full text of the resolution and notice as to how the public may offer comments for or against the proposal contained in the resolution. TEX. WATER CODE § 54.032(b)–(c).

The Rule Changes appear to eliminate this statutory requirement intentionally left in the statute by the Legislature, in favor of providing notice only to local elected officials – a far cry from including public engagement in a matter that directly impacts their community. TPA objects to these proposed changes and urges the TCEQ to retain the current requirements, in accordance with state law.

The Rules Changes would detrimentally reduce public notice in Texas.

As explained above, the Rule Changes eliminates requirements for public notice of conversion hearings to municipal utility districts, the primary purpose of which is to promote maximum awareness and encourage public comment regarding these changes. These conversions can represent a significant shift from prior entities, with implications for local taxes and debt. These

² See <https://www.sos.state.tx.us/texreg/archive/February272026/Proposed%20Rules/30.ENVIRONMENTAL%20QUALITY.html> (emphasis added).

³ See <https://statutes.capitol.texas.gov/?tab=1&code=WA&chapter=WA.54&artSec=54.030>

conversions often bring new regulatory powers and may presage increased development in the area, while also changing the structure for local representation. **Transparency regarding these conversions is particularly important at this moment, as Texans express concerns that a proliferation of data centers will use up the state’s dwindling water supply.**⁴

Because of these sweeping changes to taxation, property rights, and local representation, the public notice requirements under the Texas Water Code are the only procedural safeguard ensuring that affected parties can contest their inclusion in the new district or challenge the feasibility of its proposed financial plan before the transition is finalized. Altering the public notice requirement in such a manner would reduce the public awareness around these conversions.

Accordingly, TPA believes that the proposed rules should retain the language requiring that public notice be given to the communities that would be affected. These provisions are consistent with countless other provisions requiring public notice through newspaper publication in similar situations. *See, e.g.*, 16 TAC § 79.20 (requiring that notices of public meetings on certain permit applications be published in a newspaper of general circulation); LOC. GOV’T CODE § 572.054 (requiring any government body seeking to establish a public utility agency must “publish notice of its intention to create a public utility agency in a newspaper of general circulation in the county in which the entity is domiciled”); GOV’T CODE § 1501.255 (establishing that public notice regarding water supply financing provide notice “in at least two issues of a newspaper of general circulation in the municipality”).

Newspapers of general circulation are the appropriate vehicle of providing public notice.

Providing public notice in newspapers is an essential means of keeping communities informed about significant changes to local governing bodies. Newspapers are a trusted source for essential information and a third-party repository for public notices. Newspapers act as a reliable resource where citizens can receive information of importance about their government and their communities in one consolidated location, both in print and online. As long as public notices are in newspapers, citizens can rest assured that they are being informed about the workings of their government rather than having to guess when they may need to proactively research for developments that will impact them.

In addition to being a proven, superior method of reaching specific audiences in their own right, newspapers throughout the state of Texas also participate in TPA’s public notice website, available at <http://www.txlegalnotices.com/>. For those who are looking for a convenient place to reach both communities affected by public notice information and a wider audience throughout the state, this

⁴ *See* <https://www.texastribune.org/2025/09/25/texas-data-center-water-use/>;
<https://www.kxan.com/news/texas/texas-regulators-will-ask-data-centers-to-begin-reporting-their-water-usage/>

Amy L. Browning
Texas Commission on Environmental Quality
Page 4

central repository serves as an important way to keep Texans informed and is automatic upon publication in the majority of Texas newspapers.

Given newspapers' important role in ensuring government transparency and accountability, the reduction of public notice requirements proposed by the Rule Changes is contrary to public policy. Not only are newspaper notices effective and reliable, they act as an important mechanism to provide independent accountability over government entities' provision of public notice. As the Joint Interim Committee on Advertising and Public Notices Report to the 85th Texas Legislature ("Report") stated:

The state requires government entities to place public notice in print publications in order to ensure transparency in government and to disseminate information about government activity in a manner easily accessible to all whom it may concern. In doing so, the state involves a third-party who both creates a lasting and reliable record of notice and acts as a gatekeeper to ensure that governments post their notices correctly.

The Rules Changes threaten to eliminate the third-party independent oversight that newspapers provide. Additionally, any cost savings attained by eliminating these notices would be minimal. By law, the legal rate for publication of a notice in a newspaper can be no more than the newspaper's lowest published rate for classified advertising. *See* GOV'T CODE § 2051.045. In practice, the costs associated with providing adequate public notice through newspapers is relatively low, and time and time again, TPA's many studies on the cost of providing public notice through newspapers have revealed that the actual cost of such notice is negligible compared to overall budgets. Providing notice through newspapers remains an efficient and low-cost means of communicating with the public regarding public meetings, particularly in light of the important role these notices play in keeping citizens informed about issues impacting their communities. For TCEQ, publishing notice in a newspaper remains a low-cost way of ensuring maximum awareness regarding local utility districts.

As the representative of more than 380 paid-circulation newspapers in publication throughout the State of Texas, TPA is one of the nation's oldest and largest newspaper trade associations. TPA and its members are concerned, first and foremost, with promoting and maintaining transparency in government. The impending Rule Changes threaten to reduce the number of people who receive notice of opportunities to do so—at a time when Texans are particularly concerned about new data centers drawing down the state's supply of available water. Accordingly, TPA urges TCEQ to retain the current public notice requirements regarding these hearings.

Amy L. Browning
Texas Commission on Environmental Quality
Page 5

Thank you for considering the TPA's views regarding the proposed changes in notice requirements to 30 TAC § 293.15(c). If you have any questions or would like to discuss these concerns, please call me at (512) 867-8476 or email me at laura.prather@haynesboone.com.

Best regards,

A handwritten signature in blue ink, appearing to read 'Laura L. Prather', written in a cursive style.

Laura Lee Prather
Partner, Haynes and Boone, LLP
Laura.prather@haynesboone.com
Direct Phone Number: (512) 867-8476