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**EPA's Clean  
Water Act  
Rule Making**

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# water

## WATER RIGHTS

### Who Makes River Water

### Decisions—Us Or Them?

Texas has finally joined many other states in attempting to determine, and then regulate a minimum amount of water to be left in our many rivers and flowing eventually to the Gulf bays and estuaries. Instances have already occurred where the Rio Grande River and the Arizona Colorado River did not reach the ocean . . . they were all used up! Dry! Nada! Not due to just weather changes, but primarily to man's over-use and mismanagement.

Needless to say, even engineers, politicians and other non-biologists realize that this is not a healthy scenario for our state's valuable rivers or bays. In an attempt to assist the state agency charged with managing water quality and river pumping, the **Texas Commission on Environmental Quality (TCEQ)** and to prevent future droughts and growth from causing a massive train wreck on our rivers, the legislature passed Senate Bill 3 (SB-3) in 2007. Below are excerpts from the agency's '07 Report:

As the state grows, the TCEQ is faced with ensuring the maintenance of the biological soundness of the state's rivers, lakes, bays, and estuaries, while balancing all other interests, including providing adequate water for public health and welfare.

Recognizing the need for more certainty in water management and environmental flow protection, lawmakers passed Senate Bill 3 and House Bills 3 and 4, which amend various sections of the Texas Water Code and set out a new regulatory approach for providing surface water to meet the environmental flow needs of river, bay, and estuary systems.

Several groups were formed due to the new law to assist TCEQ and each Texas river basin—a mammoth undertaking. To oversee the process an **Environmental Flows Advisory Group** was formed consisting of nine appointed and elected officials, including TCEQ's **Commissioner**. To assist the E.F. advisory group, the bill established an **Environmental Flows Science Advisory Committee (SAC)** to serve as an objective, scientific panel. The advisory group also names the members of **Stakeholder Committees** for each river basin, a crucial task. The report continues:

Under the legislation, the TCEQ will eventually adopt recommendations in the form of environmental flows standards



The Rio Grande River exits Santa Elena Canyon, Big Bend National Park.

for use in the decision-making process for new (and amended) water-rights applications. The Commission will also establish an amount of unappropriated water, if available, to be set aside for the environment. The TCEQ will first need to receive the recommendations of the science and stakeholder committees in each basin to determine the flow regime.

The TCEQ, the Texas Water Development Board, and the Texas Parks and Wildlife Department are coordinating with the advisory group, the science advisers, and stakeholder committees. Staff will provide technical assistance and generate reports based on the groups' recommendations.

Well, now doesn't that all sound good and straightforward?

## ALL ABOUT WATER

- TANKS • PIPING • RAINWATER COLLECTION DESIGNS



A 30,000 gallon rainwater collection tank installed near Bee Cave, close to Austin. Rainwater collection is probably the largest, and fastest growing conservation-movement going on in Texas, especially all through the Austin region. As water shortage issues increase, more and more people are realizing the value in collecting rainfall when it comes and utilizing it in drier times.

### WATER STORAGE TANKS

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Does to me, and I am one of the stakeholders on the **Guadalupe River Basin and Bays Stakeholder's Committee** representing **Texas Soil and Water Conservation Districts**. Never did sound easy, as much of my background is in water resources and I knew this is one of the more complex basins, having a network of rivers, several ecological regions, several bays and the City of San Antonio as well. We not only have to consider the main Guadalupe River flowing from western Kerr Co. to the Gulf, but the Medina, San Antonio, Blanco, Comal and San Marcos Rivers to deal with all water uses and flows. And, these rivers are all spring flow originated which ties river flows directly into groundwater use in the headwaters region. There are also several small towns and a few small cities using river water such as Kerrville, New Braunfels, San Marcos, Seguin and Victoria.

Well, our **Stakeholder Committee** worked hard and long from late 2009 'til the present, most of us without any salary, mileage or expense pay. We turned in our proposed regulation changes, which were fairly similar to what our **Science Advisory Team** had proposed earlier. **TCEQ's** staff reviewed our proposals and largely



Hanging out under the falls at Hamilton Pool, west of Austin, Texas.

ignored them, which was a bitter disappointment to the committee. In an April 12 article by the *San Antonio Express News*, committee co-chair **Suzanne Scott**, General Manager of the **San Antonio River Authority**, was quoted along with others. Some of the article's comments follow (emphasis mine):

The committee representing the San Antonio and Guadalupe rivers invited the TCEQ to their meeting in Seguin on Thursday to explain how it had arrived at its rules.

The TCEQ representatives explained that they did not follow the recommendations of the stakeholders, which represented industrial, recreational, environmental and business interests, because they had balanced the needs of humans and nature.

At the end of the day this is going to be published in the register and you will be able to comment," said **Kellye Rila**, director of the TCEQ's water availability division. "And the commission takes all comments very seriously." **A 30-day comment period begins today. To see or make a comment on the proposed rules visit [www.sos.state.tx.us/texreg](http://www.sos.state.tx.us/texreg)**

For the **Guadalupe Blanco River Authority**, which has two proposed water projects on the Guadalupe, the (TCEQ) proposed rules were welcomed. "These recommendations more closely follow our recommendations," said **GBRA** general manager **Bill West**.

We also heard from TCEQ staff—the stakeholder recommendations are not the way we have always done things! Well, isn't that a big part of the problem and why SB-3 was written? What's the old country saying? "You can lead a horse to water, but you can't make him drink!" Maybe with you fellow Texans' calls and letters to the **Governor** and the **Legislature** will make that horse drink. This could be your river basin next, so let's all try to get it right. Truly, *Water is Life!* ♦

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