

SUBJECT: Making El Paso Public Service Board the county regional planner

COMMITTEE: Natural Resources — favorable, with amendments

VOTE: 7 ayes — Counts, Yost, Corte, King, R. Lewis, Puente, Walker
0 nays
2 absent — Combs, Stiles

SENATE VOTE: On final passage, February 27 — 27-0

WITNESSES: For — Theodora Trujillo, Rosa Cisneros, El Paso Interreligious Sponsoring Organization; Jack Vowell, El Paso Chamber of Commerce
Against — None

DIGEST: SB 450 would authorize the City of El Paso, through its Public Service Board (PSB), to be the regional water and wastewater planner for El Paso County, if the El Paso City Council agrees by resolution. As amended, the bill would specify that the bill was not intended to regulate water or wastewater in Hudspeth or Culberson counties, nor would SB 450 limit the jurisdiction of the Texas Natural Resource Conservation Commission.

SB 450 would also designate the PSB as the regional planner in order to improve regional water and wastewater planning on a regional watershed basis, water quality and water quality conditions adversely affecting the public health and environment, efficient planning and management of water resources to remediate existing colonia and avoid future colonia conditions, transboundary water quality issues, maximizing and making optimal use of public funding and increasing intergovernmental cooperation with water utilities to encourage that their planning be consistent with the regional plan.

The bill would grant the PSB priority consideration for funding except for those activities directly related to the preparation of applications for state or federal permits, those activities associated with administrative or legal proceedings by regulatory agencies and the preparation of engineering plans

and specifications, specific facilities planning, design, construction, operation or maintenance of a system to be constructed entirely within a water utility.

A person who intended to file an application for funding would have to schedule a preapplication conference with the general manager of the PSB, unless waived by the PSB. All applications for funding would be required to be on record at the PSB at the time of filing. The PSB could within 45 days comment to the agency providing the funding. No Texas state agency could approve the funding until the 45-day comment period had passed, earlier if the PSB had already submitted comments. All applicants for water and wastewater projects would be required to submit certain information to the PSB.

SB 450 would provide that if any provision is deemed to be held invalid, the determination would not affect other provisions of the act. SB 450 would take effect immediately if approved by two-thirds of the membership of both houses.

**SUPPORTERS
SAY:**

The City of El Paso, through its water utility, the PSB, serves about 90 percent of El Paso County with water and wastewater services. As the largest provider of these services, it is appropriate for PSB to coordinate future development of the county's limited water resources.

The greater El Paso/Juarez area contains a metropolitan community of approximately 2 million people. Sound water and wastewater planning is essential. Various water districts, water supply corporations and water utilities provide water service to El Paso County. None of these entities has the planning staff or resources to devise comprehensive waste and wastewater planning for the county. The PSB could do the job, and SB 450 would grant the necessary authority.

**OPPONENTS
SAY:**

No apparent opposition

NOTES: The Natural Resources Committee adopted amendments to SB 450 stating that the bill would not affect TNRCC jurisdiction, specifically excluding water and wastewater regulation for Hudspeth or Culberson counties and making a technical correction.

The House on April 25 passed HB 1824 by Pickett, allowing El Paso PSB to charge higher rates for service to colonias.