

- SUBJECT:** Encouraging rainwater harvesting for water conservation
- COMMITTEE:** Natural Resources — committee substitute recommended
- VOTE:** 7 ayes — Ritter, Callegari, Corte, Frost, Laubenberg, Martinez Fischer, D. Miller  
1 nay — T. King  
3 absent — Creighton, Lucio, Smithee
- WITNESSES:** For — John Barr, Bluescope Water; Kathryn Beer; Raj Bhattarai, Austin Water Utility, City of Austin; Hari Krishna; Paul Lawrence, Texas Land and Water Designs, LLC; (*Registered, but did not testify:* Carole Baker; Rob Baxter, Goldenwood POA, Friendship Alliance, Inc.; Trey Blocker, Texas Association of Manufacturers; Colin Chatfield, Bluescope Water; Karen Guz, San Antonio Water System; Ken Kramer, Lone Star Chapter, Sierra Club; Bill Stout, Green Party of Texas)  
  
Against — (*Registered, but did not testify:* Jennifer Brown, Community Associations Institute)  
  
On — (*Registered, but did not testify:* Elston Johnston, Texas Commission on Environmental Quality; Robert Mace, Texas Water Development Board)
- BACKGROUND:** In its interim report to the 79th Legislature, the House Natural Resources Committee examined whether a new comprehensive water conservation program was needed to enhance water conservation and water supply. The 80th Legislature enacted HB 4 by Puente, which expanded state water conservation programs and required the establishment of standards for the domestic use of harvested rainwater.
- DIGEST:** CSHB 4299 would establish that promotion of rainwater harvesting for potable and nonpotable use at public and private facilities within Texas, including residential, commercial, and industrial buildings, would be a part of the state's natural resource conservation and development public policy. The bill also would establish rainwater harvesting standards for state buildings, provide incentives for rainwater harvesting, and outline the

authority of property owners' associations over rain water harvesting equipment.

***Rainwater harvesting standards for state buildings.*** The bill would require that rainwater harvesting system technology for nonpotable indoor use and landscape watering be incorporated into the design and construction of each new state building with a roof measuring at least 10,000 square feet located in an area with an average annual rainfall of at least 20 inches. For these areas and buildings, at least 25 percent of the roof area would be used for rainwater collection.

These standards would apply unless the state agency or higher education institution constructing the building provided the state energy conservation office evidence that the amount of rainwater that would be harvested from one or more existing buildings at the same location would be equivalent to the amount of rainwater that could have been harvested from the new building if it had incorporated rainwater harvesting system technology.

***Incentives and provisions for rainwater harvesting.*** Counties and municipalities would be encouraged to promote rainwater harvesting at residential, commercial, and industrial facilities through incentives such as discounts or rebates. Additionally, counties or municipalities that adopted impervious cover or density restrictions would consider their use in a development of harvested rainwater as an on-site water supply source in determining whether to grant the development a credit against or exemption from the restrictions.

A local government could not deny a building permit solely because a facility would implement rainwater harvesting. School districts would be encouraged to implement rainwater harvesting at their facilities.

The Texas Water Development Board (TWDB) would ensure that rainwater harvesting training was available at least quarterly for the members of the permitting staff of local governments. Permitting staff of local governments partly or entirely located in a priority groundwater management area and with populations of 100,000 or more would receive rainwater harvesting training at least once every five years. Permitting staff in other areas and serving local government with less than 100,000 in population would be encouraged to receive the training. TWDB would provide this training without cost via seminars or video instruction.

***Authority of property owners' associations.*** The bill would not require property owners' associations to permit a rain barrel or rainwater harvesting system to be installed in or on property if the property was owned by the property owners' association, owned in common by a property owners' association members, or located between the front of the property owner's home and adjacent street. Additionally, a property owner's association would not have to permit a rain barrel or rainwater harvesting system if the barrel or system:

- was a color other than a color consistent with the color scheme of the property owner's home or the original manufacturer's color; or
- displayed any language or other content that would not typically be displayed by a barrel or system for rainwater harvesting.

***Other provisions.*** The bill also contains other provisions relating to rainwater harvesting, including that financial institutions could consider making loans for developments that would use harvested rainwater as the sole source of water supply. Additionally, the bill would allow a building having both a public water supply connection and a rainwater harvesting system to use the system for both potable and nonpotable uses as long as the building had appropriate cross-connection safeguards.

If the current Legislature makes an appropriation to the TWDB to provide matching grants to local governments for rainwater harvesting demonstrations projects, TWDB would be required to provide a report to the lieutenant governor and the speaker of the House of Representatives outlining which projects received grant funding, including a description of the grant and its amount.

This bill would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

CSHB 4299 would expand existing provisions to promote rainwater harvesting technology in public and private facilities, including residential, commercial, and industrial buildings, in an effort to promote water conservation. The bill reflects the input of a broad and diverse body of stakeholders, and many of the bill's provisions are the result of recommendations to promote rainwater harvesting in the state by the Texas Rainwater Harvesting Evaluation Committee, created under HB 2430 by Puente, enacted by the 79th Legislature in 2005. Rainwater harvesting was identified as a best management practice for developing and implementing water conservation plans by the Water Conservation

Implementation Task Force, a diverse group of governmental, commercial, environmental, and public interest entities that met during the interim of the 78th Legislature.

Water conservation is an increasingly important strategy for addressing the water needs of the state's growing population and expanding economy. In the 2007 State Water Plan, conservation accounts for roughly 23 percent of the amount necessary to achieve the state's water needs in 2060. Water conservation, such as rainwater harvesting, is the most efficient and cost-effective method for meeting water demands. Additionally, the bill would reduce the need for more costly and ecologically disruptive water supply projects and storm water infrastructure because the rainwater harvested would be an entirely new supply of water that otherwise would be lost to a storm water system, where it would have to be treated.

**OPPONENTS  
SAY:**

CSHB 4299 would mandate use of rainwater harvesting systems by the state and would promote its use at the local level, which could result in higher costs and an additional burden on taxpayers.

**NOTES:**

According to the Legislative Budget Board, the bill would cost the state \$1 million in general revenue-related funds if the Legislature appropriates \$500,000 in each year of the fiscal 2010-2011 biennium for rainwater harvesting demonstration matching grants.

The committee substitute added a provision in the Finance Code to provide that financial institutions could consider making loans for developments that used harvested rainwater as the sole water supply source. Additionally, the committee substitute amends the Health and Safety Code to allow a rainwater harvesting system to be used for nonpotable and potable indoor uses so long as the building has appropriate cross-connection safeguards. The filed version of the bill would have set the threshold for water harvesting system technology use by state buildings at 28 inches, instead of 20 inches in the amended version.