

SUBJECT: Extending the period for TCEQ emergency authorization of surface water

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 10 ayes — Keffer, Ashby, D. Bonnen, Burns, Frank, Kacal, T. King,
Larson, Lucio, Workman

0 nays

1 absent — Nevárez

SENATE VOTE: On final passage, April 20 — 29 - 1 (Huffman)

WITNESSES: For — (*Registered, but did not testify*: Heather Cooke, City of Austin;
Dana Harris, Greater Austin Chamber of Commerce; Conrad John, Travis
County Commissioners Court)

Against — None

On — Robert Martinez, Texas Commission on Environmental Quality;
(*Registered, but did not testify*: Kellye Rila, Texas Commission on
Environmental Quality)

BACKGROUND: Texas Water Code, sec. 11.139 allows the Texas Commission on
Environmental Quality (TCEQ) to grant an emergency permit, order, or
amendment to an existing surface water rights permit, after notice to the
governor, for an initial period of up to 120 days if the TCEQ finds that
emergency conditions exist that present an imminent threat to the public
health and safety and override the necessity to comply with established
procedures. An emergency authorization can be granted only if there are
no feasible practicable alternatives. Such emergency action may be
renewed once for up to 60 days.

DIGEST: SB 521 would amend Texas Water Code, sec. 11.139, by increasing the
initial period of an emergency authorization from no more than 120 days
to no more than 270 days.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS
SAY:**

SB 521 would ensure that TCEQ emergency orders could sufficiently cover more long-term emergency conditions, such as drought. Extending an emergency order from up to 120 days to up to 270 days, plus one 60-day extension, would allow the emergency order to remain in place for almost a year if conditions were warranted.

**OPPONENTS
SAY:**

Allowing an emergency order to remain in place for almost a year could have a significant impact on other water right holders. Emergency authorizations should not be long-term. Planning for water supply needs based on a repeat of the drought of record and the development of a drought contingency plan should prevent the need for a long-term emergency authorization.