

Water Resources Council

April 23, 2019



North Central Texas Council of Governments

Environment
& Development

www.nctcog.org/WaterResources

1. Welcome and Introductions.

Action Items

2. Meeting Summary.

- I. The January 17, 2019 meeting summary will be presented for approval.

3. Development of Committee By-Laws.

- I. Discuss & potentially vote on adopting the drafted By-Laws.

Presentation

4. Update on the Evaluation of Native Mussels for Protection Under the Endangered Species Act.

- I. Glenn Clingenpeel, Trinity River Authority, will provide a presentation on native mussels being considered for protection under the Endangered Species Act.

Presentation

5. 86th Texas Legislative Session Update.

- I. NCTCOG will provide an update on relevant legislative bills.

86th Texas Legislative Update



HB 1506

- ▶ Relating to authorizing a regulatory authority to establish reduced water and sewer utility rates funded by donations for the benefit of certain low-income customers
- ▶ Not all Texas residents have access to water and sewer utility service at rates affordable to them
- ▶ Seeks to address this issue by providing a means for reduced water and sewer rates for certain classes of customers
- ▶ Bill passed House on April 9, 2019
- ▶ Senate referred to Water & Rural Affairs on 4/15/19



SB 81

- ▶ Relating to the naming of a reservoir by certain water districts
- ▶ The district must request approval of the name from the commissioners court of the county in which the reservoir project site is located.
- ▶ House Referred to Natural Resources on April 16, 2019
- ▶ Bill passed Senate Committee on Water & Rural Affairs unanimously
- ▶ [Link to Bill](#)



SB 530 / HB 1267

- ▶ Relating to civil and administrative penalties assessed or imposed for violations of laws protecting drinking water, public water supplies, and bodies of water
- ▶ Seeks to provide additional flexibility to allow TCEQ to penalize public water suppliers who simply pay the monetary penalties ordered by TCEQ and do not undertake the necessary corrective actions
- ▶ Bill passed Senate 3/27/19
- ▶ House Scheduled for Public Hearing on 4/24/19
- ▶ [Link to Bill](#)



SB 700 / HB 1587

- ▶ Relating to retail public utilities that provide water or sewer service
- ▶ Makes changes to the procedures for water ratemaking cases to improve and streamline the ratemaking process for utilities and consumers
- ▶ Passed Senate 4/9/19
- ▶ House reported favorably w/o amendments 4/17/19
- ▶ [Link to Bill](#)



SB 912

- ▶ Relating to the suspension of operations of water districts that have failed to follow a court order or administrative directive by the Texas Commission on Environmental Quality.
- ▶ Not later than the 30th day after the date the district receives the notice under Subsection (b), the commission may suspend operations of the district if the commission has not received a response to the notice from the district, or has received an inadequate response.
- ▶ Senate Referred to Water & Rural Affairs on March 1, 2019



SB 1030

- ▶ Relating to the duty of a water supply system to provide certain information to consumers regarding fluoride in drinking water
- ▶ Senate Referred to Water & Rural Affairs on March 7, 2019
- ▶ [Link to Bill](#)



SB 1310

- ▶ Relating to the procedure for amending or revoking certificates of public convenience and necessity issued to certain water utilities
- ▶ Senate Referred to Water & Rural Affairs on March 7, 2019
- ▶ [Link to Bill](#)



SB 1379

- ▶ Relating to a requirement that certain recipients of financial assistance from the TWDB adopt certain restrictions on water use by their customers
- ▶ Senate Referred to Water & Rural Affairs on March 14, 2019
- ▶ [Link to Bill](#)

Discussion Items

6. FY2020 Water Resources Council Committee Reappointments.

- I. NCTCOG will discuss the new process for committee reappointments. NCTCOG plans to bring the completed roster to the committee for approval at the June 20, 2019 meeting.

7. 2019 Water Resources Questionnaire Results.

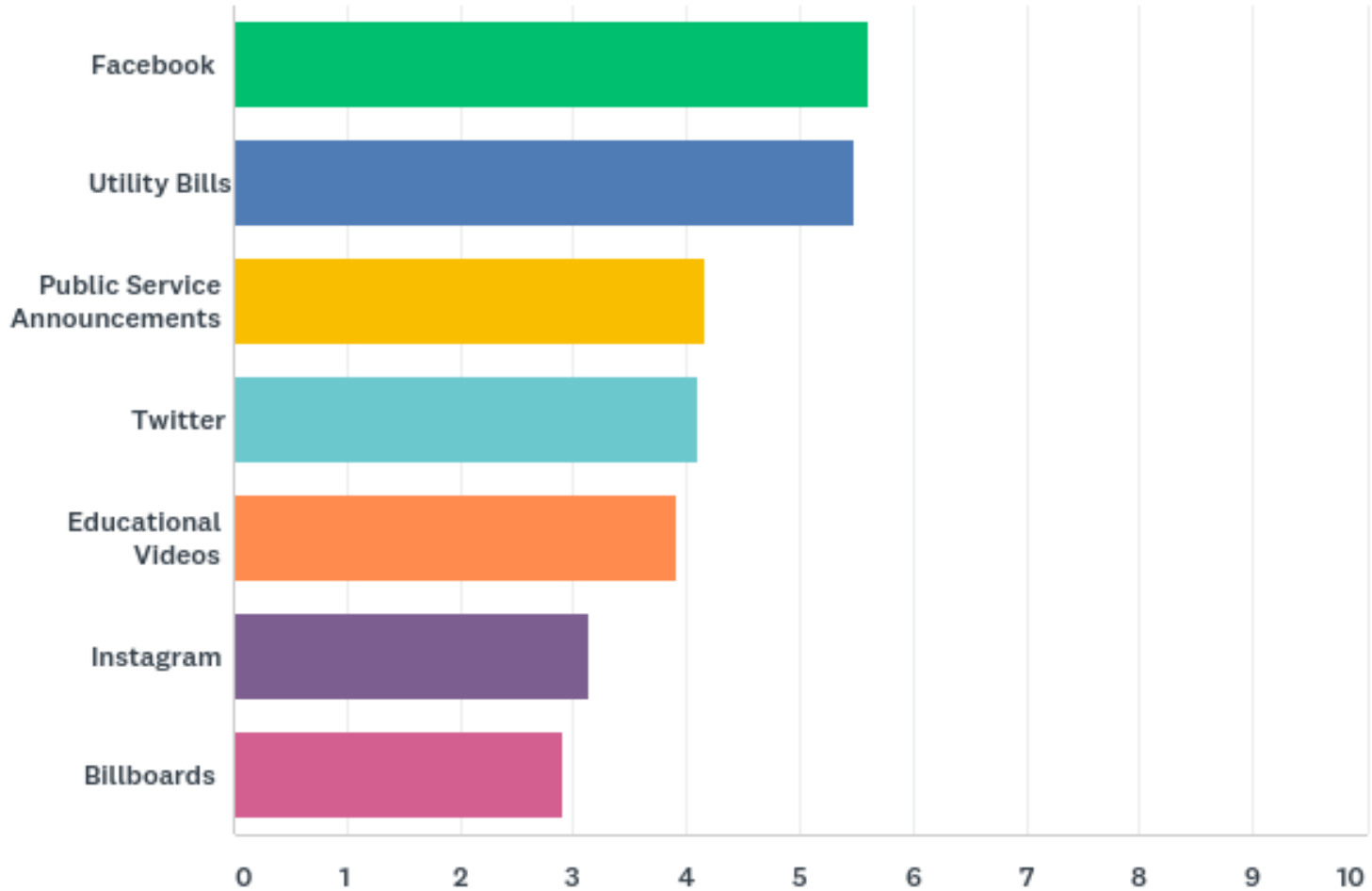
- I. NCTCOG will discuss the North Central Texas Water Resources Questionnaire Results.

2019 Water Resources Questionnaire Results

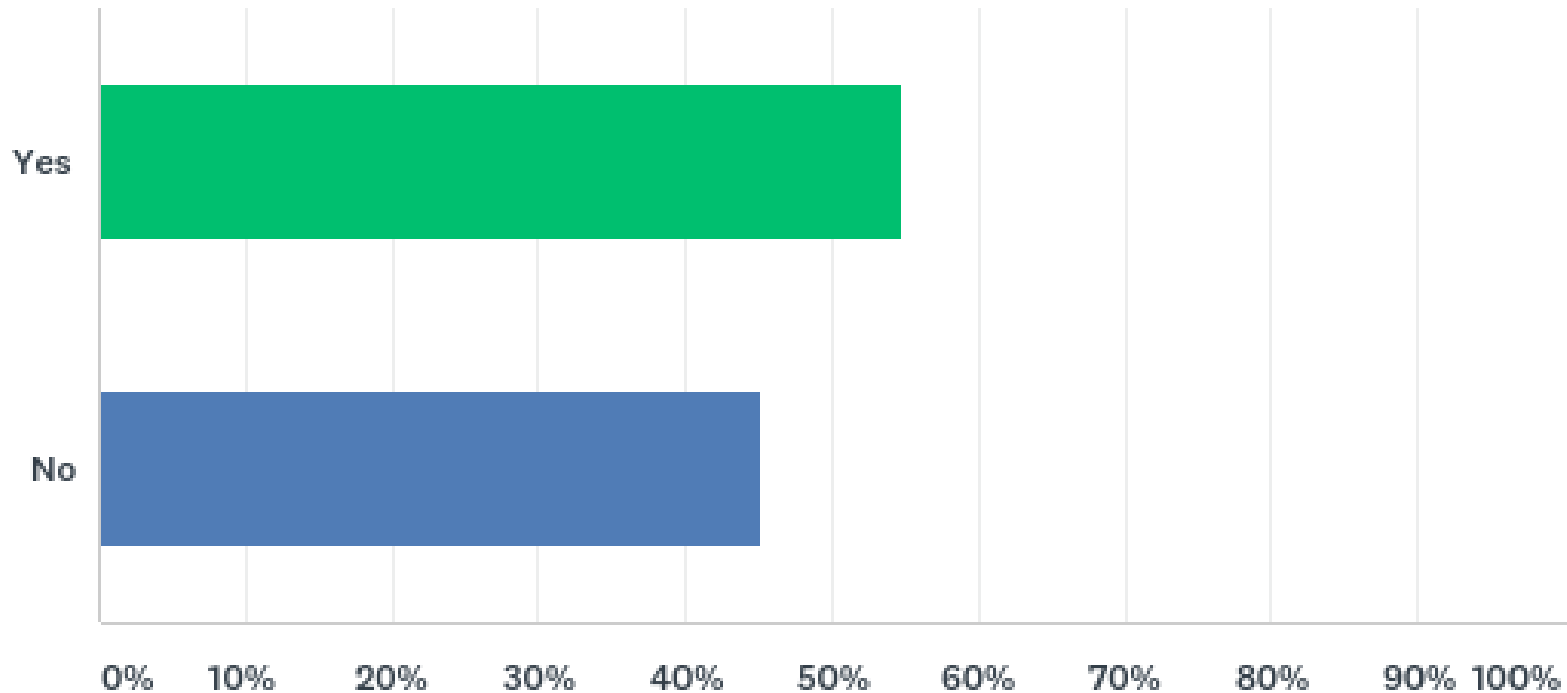
2019 Water Resources Questionnaire Results

- ▶ Received 90 responses from 62 different entities
 - ▶ 63% participate in a Water Education and Outreach program
 - ▶ Majority of the education and outreach comes from physical materials, social media outlets, and events

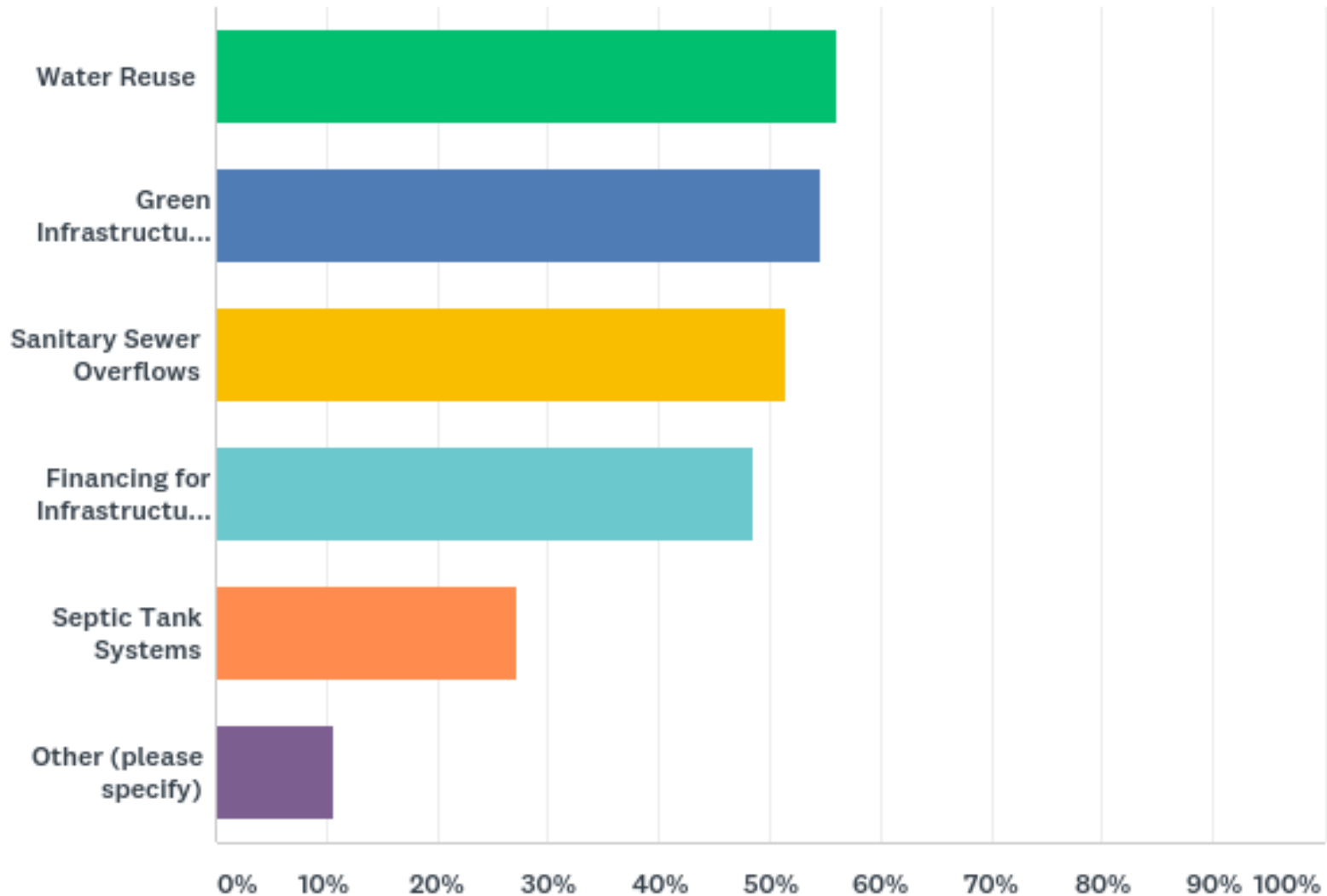
What outreach strategies are most effective for your entity?



Does your entity have an educational campaign that covers topics such as water quality, water conservation, or water supply?



What topics would you like to see covered in a training, webinar, or workshop?



Discussion Items

8. Development of the 2019 Water Quality Management Plan.

- I. NCTCOG will provide the Discharge Monitoring Report (DMR) to the committee for review and discuss other updates.

9. Water for North Texas Project.

- I. NCTCOG will provide an update on the Water for North Texas Educational Resource Library.

10. FY2019 Regional Workshops.

- I. Topics: Wastewater Infrastructure, Water Reuse, Sanitary Sewer Overflows, Low Impact Development

Other Business and Roundtable Discussion

11. Future Agenda Items.

- I. The committee can request future agenda items.

12. NCTCOG Updates.

- I. NCTCOG will update the WRC on recent and upcoming items of interest.

13. Roundtable.

- I. WRC members share what is happening in their communities.

Other Business and Roundtable Discussion

14. Schedule for Next Meeting.

- I. Thursday, June 20, 2019 in the Metroplex Conference Room at 10:30 AM.

15. Adjournment.

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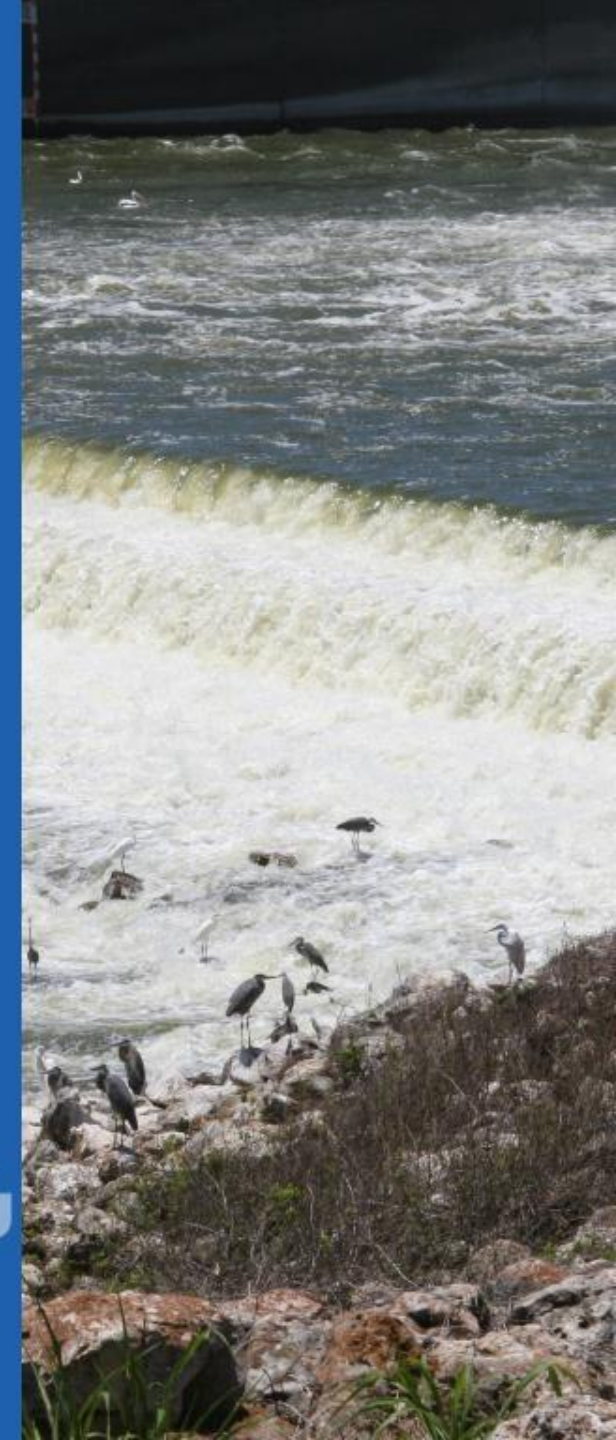
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Trinity River Authority of Texas
Enriching the Trinity basin as a resource for Texans




Update on Native Mussels Listing Process



Malacology

mal·a·col·o·gy

/,mələ'käləjē/ 

noun

noun: **malacology**

the branch of zoology that deals with mollusks.

Translate malacology to

Use over time for: malacology



Source: Google

Origin of Native Mussel Listing Evaluations

2011 - WildEarth Guardians and Center for Biological Diversity (CBD) settle with USFWS

Required listing decisions on 878 candidate species

Example of “Sue and Settle” policy
Encourages litigation

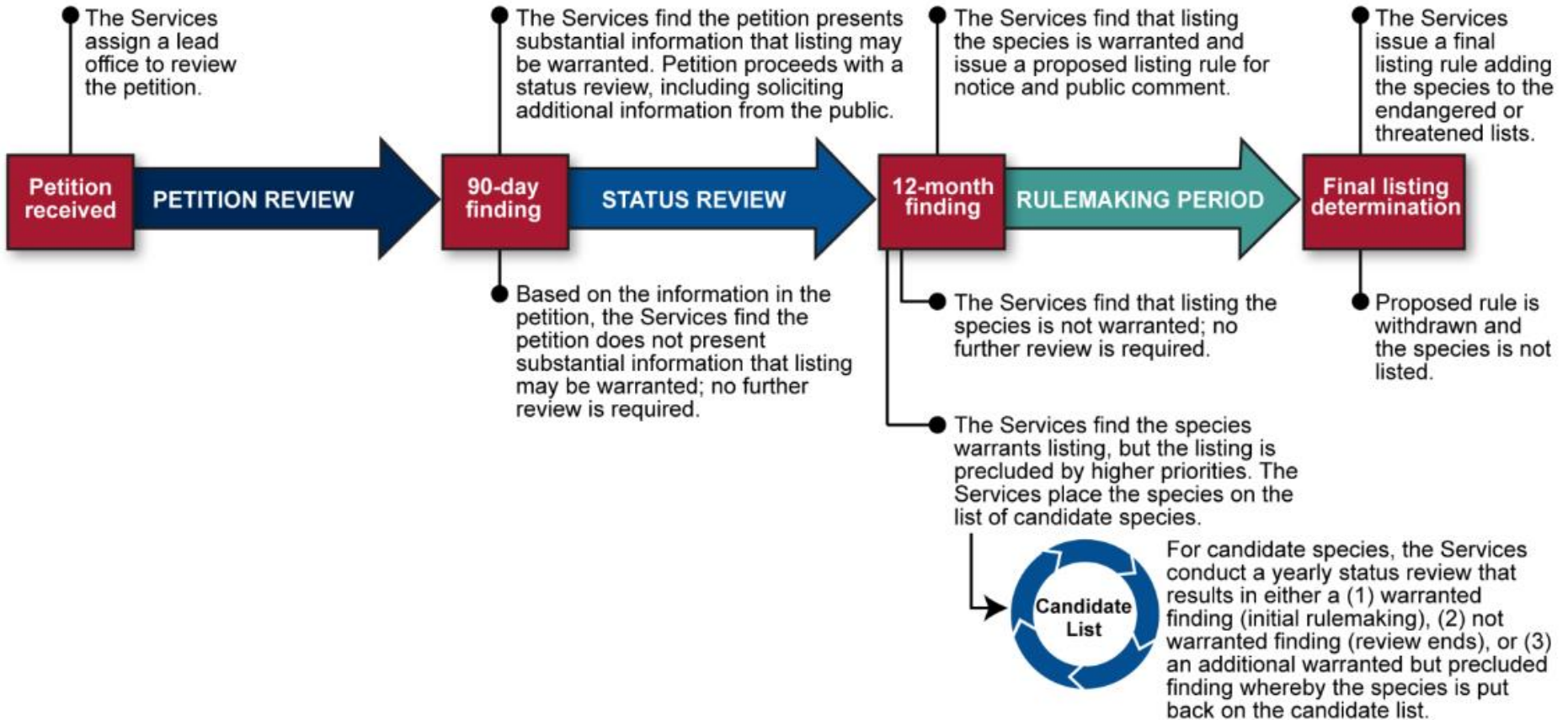
Listings forced through -
Undermines ability to use sound science

In 2011, the U.S. Fish & Wildlife Service spent over 75% of its \$20.9 million listing and critical habitat budget responding to litigation from environmental groups.

Source: Western Energy Alliance

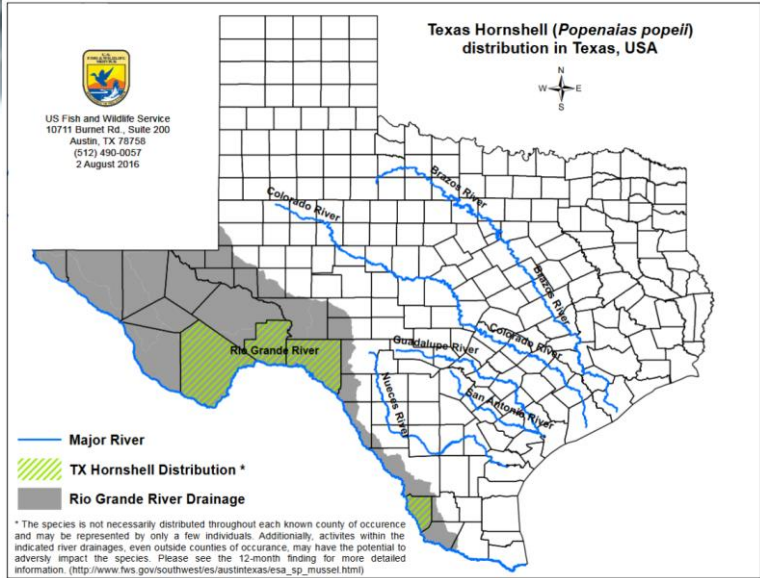
August 23, 2016
CBD filed Notice of Intent to Sue over missed ESA 12 month finding deadlines on 417 species

Listing Process



Texas Hornshell

New Mexico – Rio Grande

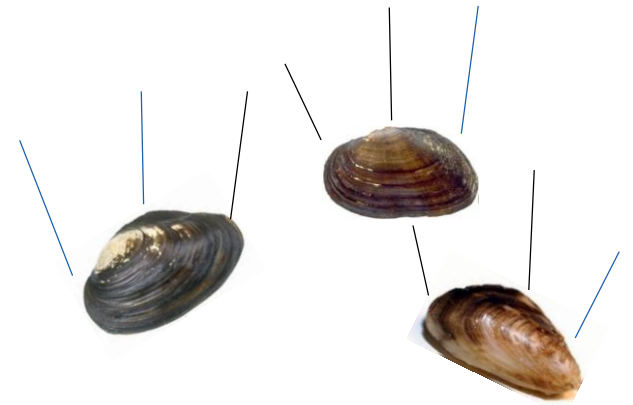


Threats to the Species

“The Service notes that the Texas Hornshell is an endangered species based on impairment of **water quality, loss of flowing water** and accumulation of fine sediment, predation, and **barriers to host fish movement** and the **effects of climate change.**”

The Service lists the following as a non-comprehensive list of activities potentially resulting in a violation of Section 9 of the Act:

- Unauthorized handling or collecting of the species;
- **Modification of** the channel or **water flow** of any stream in which the Texas Hornshell is known to occur;
- Livestock grazing that results in direct or indirect destruction of stream habitat; and
- **Discharge of chemicals** or fill material **into any waters in which the Texas Hornshell is known to occur**



Trinity Mussels Being Evaluated

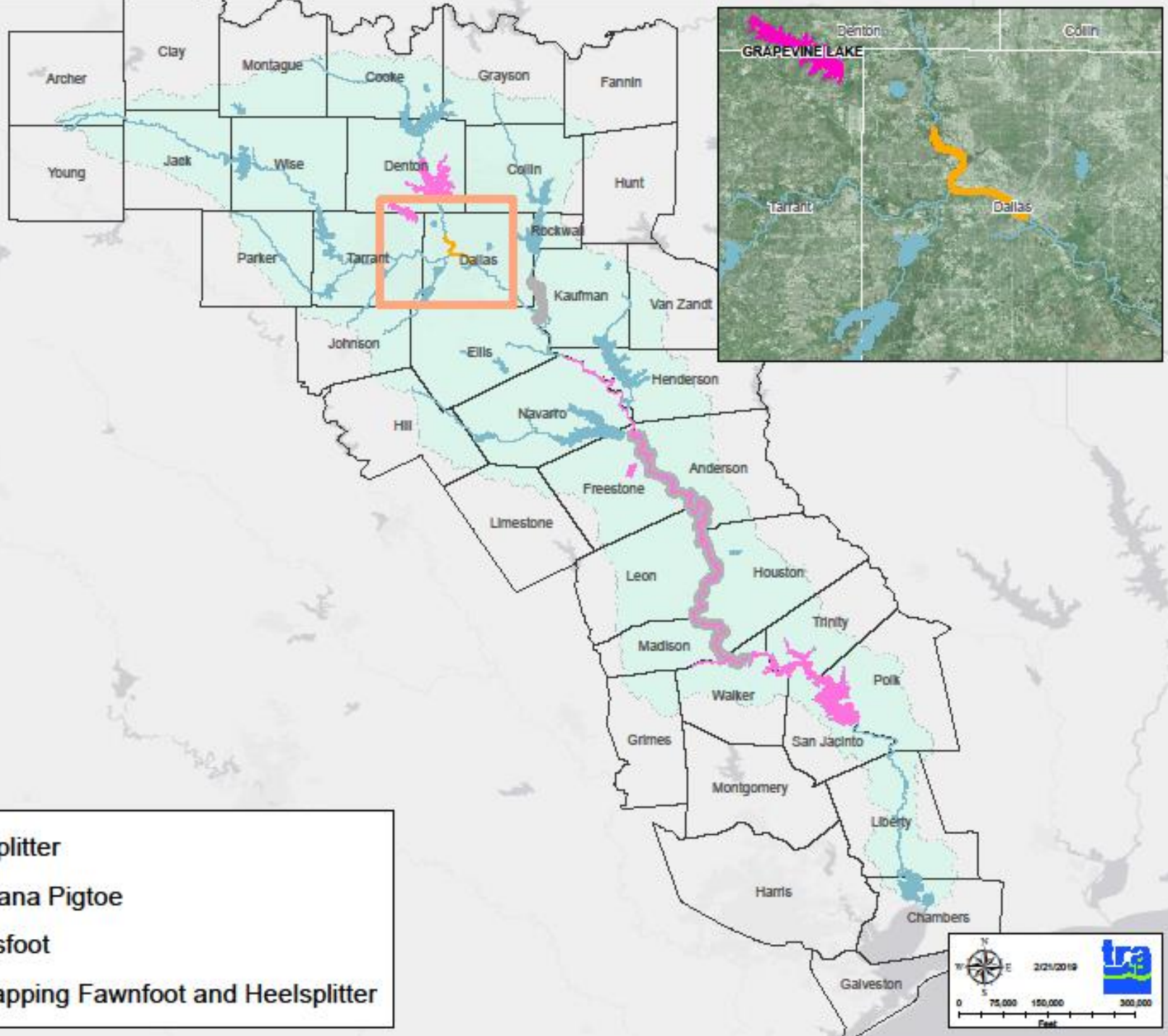


Texas Fawnsfoot (*Truncilla macrodon*)



LA Pigtoe (*Pleurobema riddellii*)



TX Heelsplitter (*Potamilus amphichaenus*)

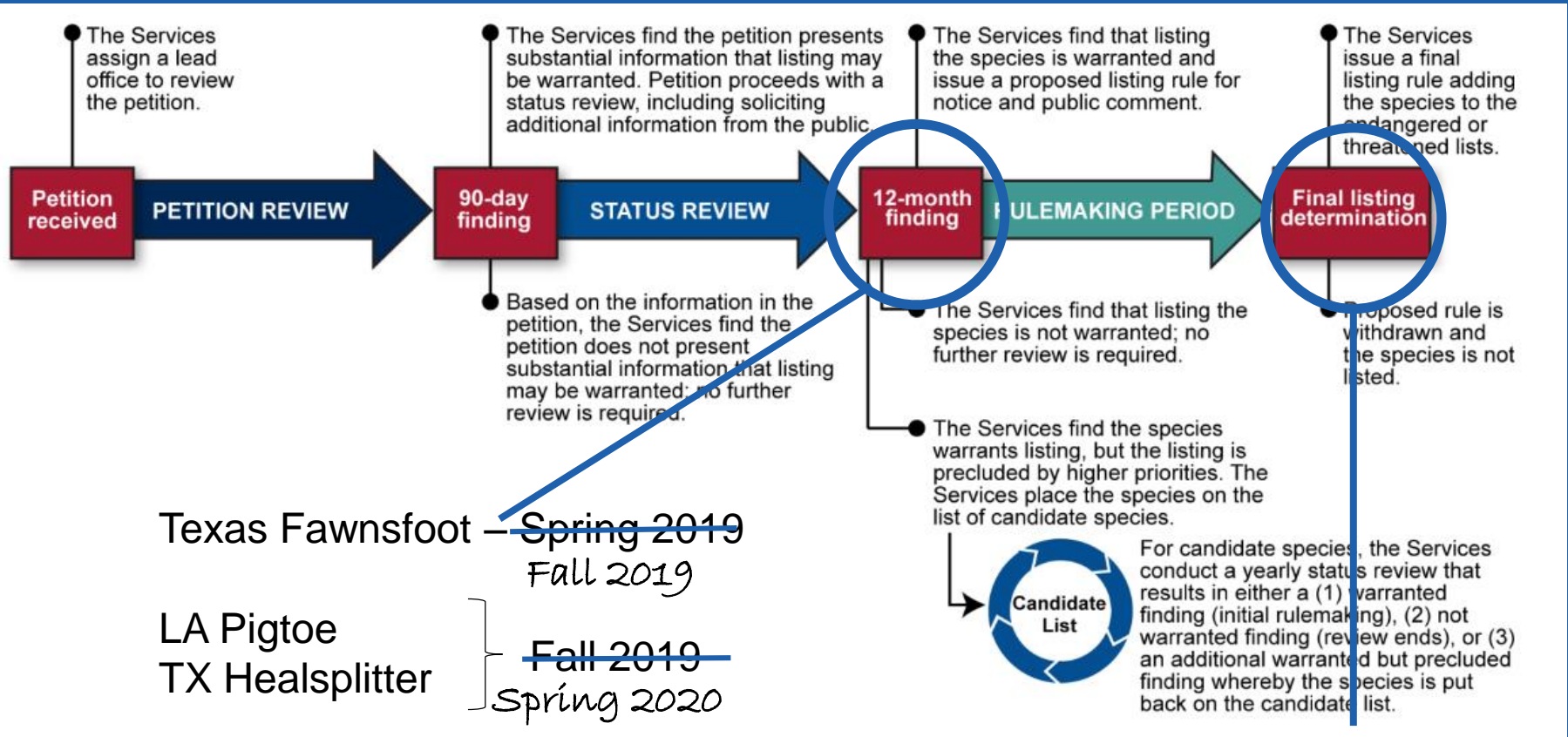


- Heelsplitter
- Louisiana Pigtoe
- Fawnsfoot
- Overlapping Fawnfoot and Heelsplitter


2/21/2019


0 75,000 150,000 300,000
 Feet

Update on Listing Process



Texas Fawnsfoot – ~~Spring 2019~~
Fall 2019

LA Pigtoe } ~~Fall 2019~~
TX Healsplitter } Spring 2020

Texas Fawnsfoot – Spring 2020

LA Pigtoe }
TX Healsplitter } Fall 2020

Update on Listing Process

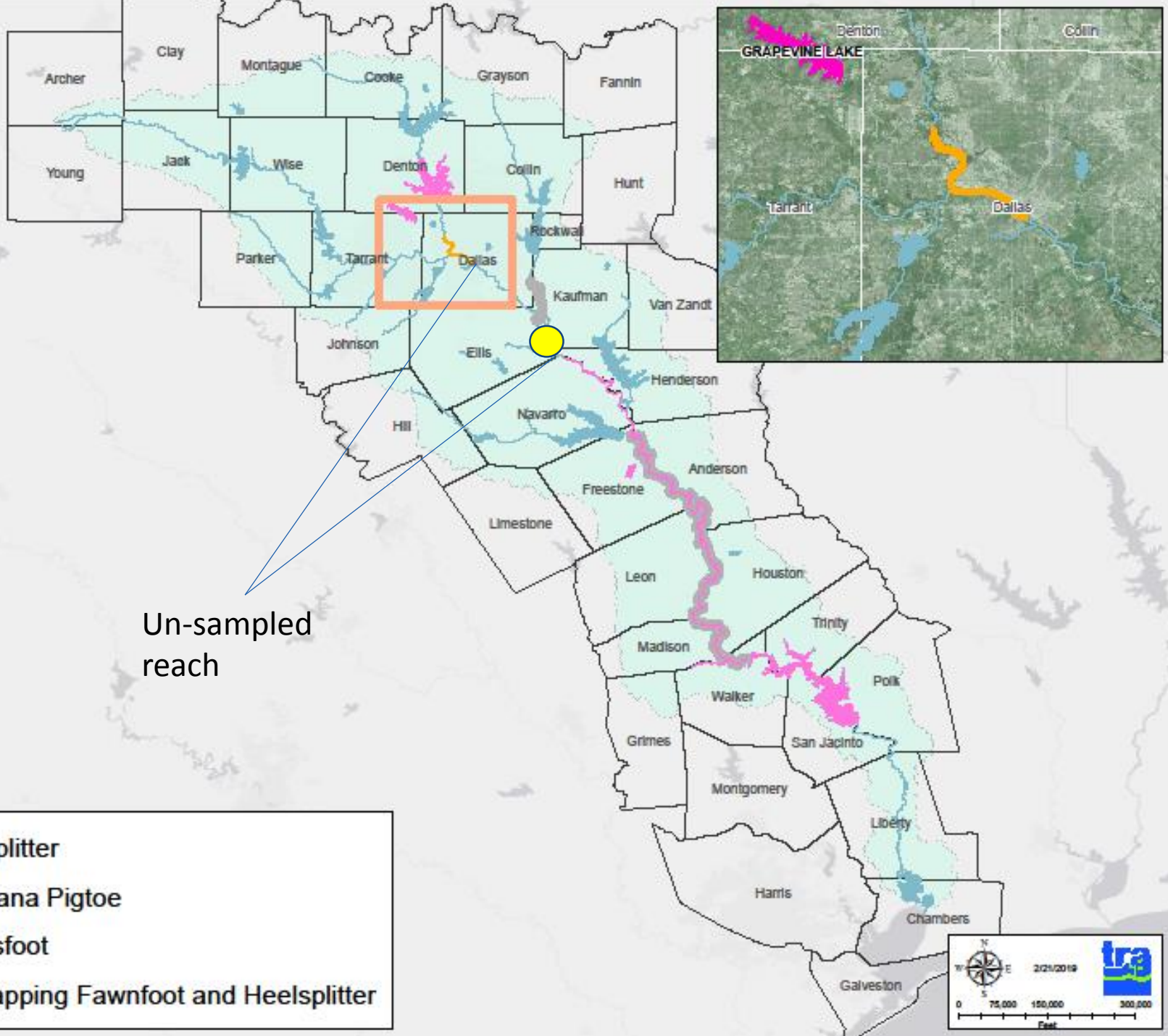
June 2018, UTWQ Compact initiated an engineering services agreement with Zara Environmental:

Objectives:

1. Sample for candidate mussels
2. Prepare informational “white papers” on influential topics

Two sample runs completed

Rain in September and October ended sampling prematurely in 2018.

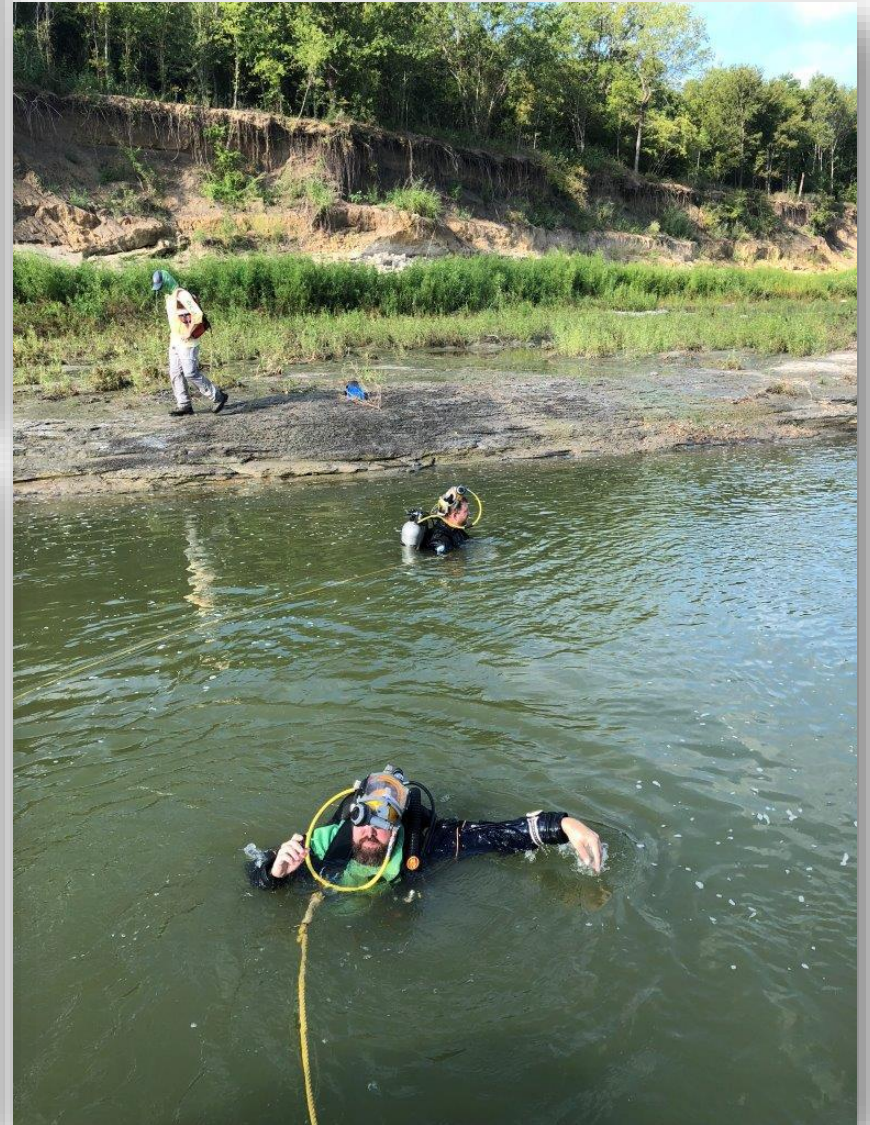




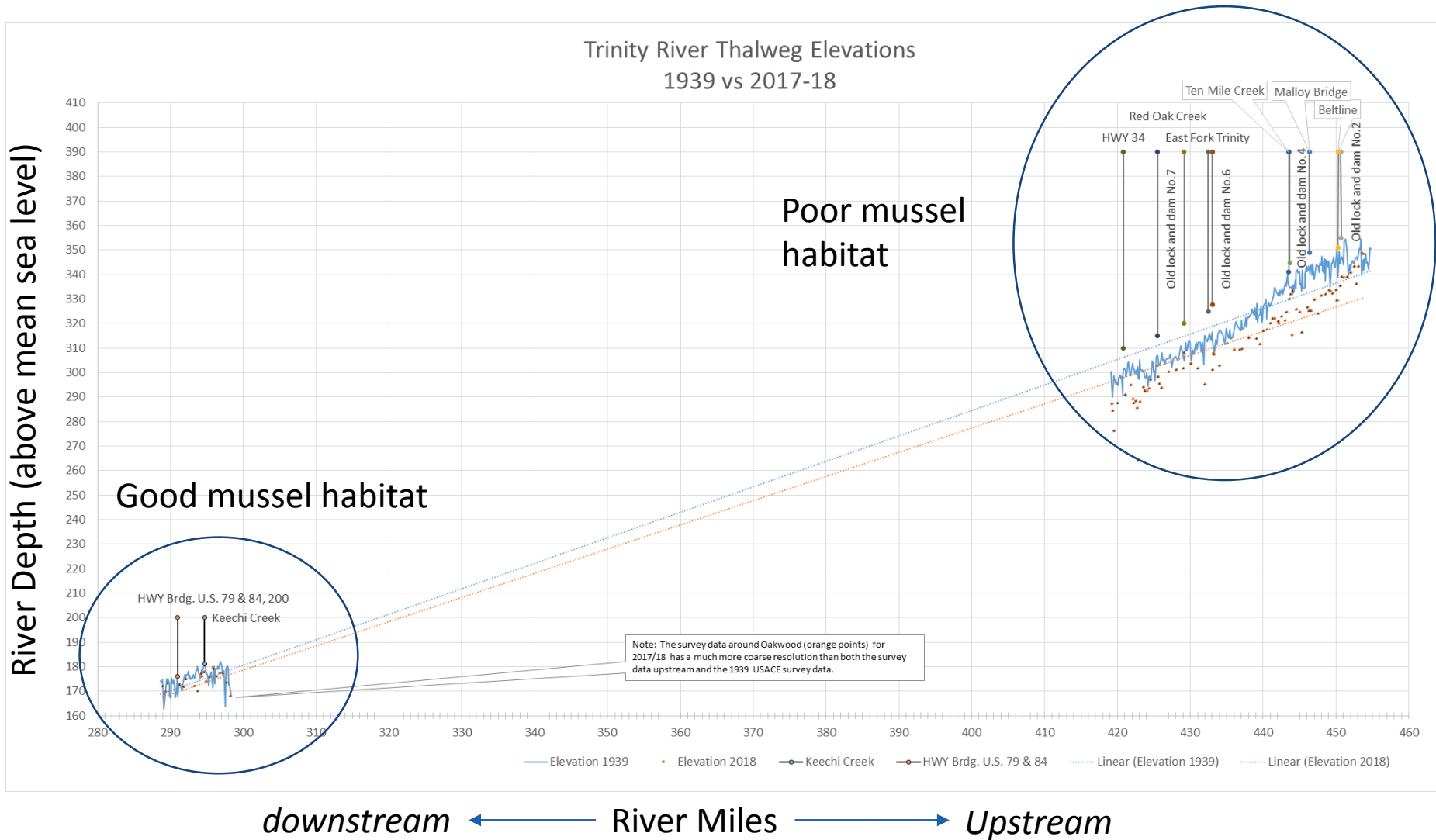
Tactile Mussel Survey



Mussel Sampling Main Stem Trinity – Summer 2018

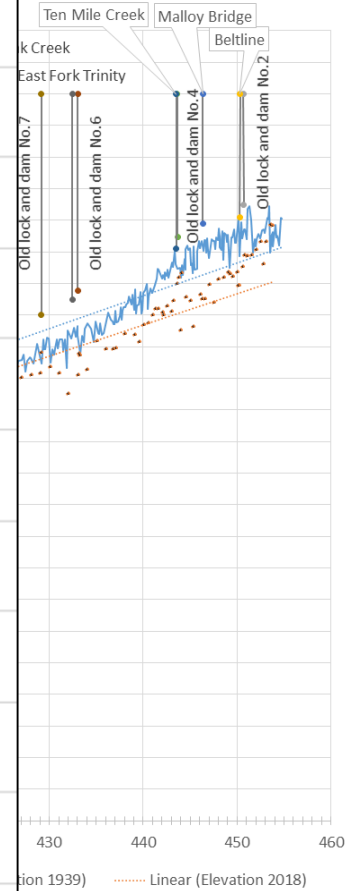
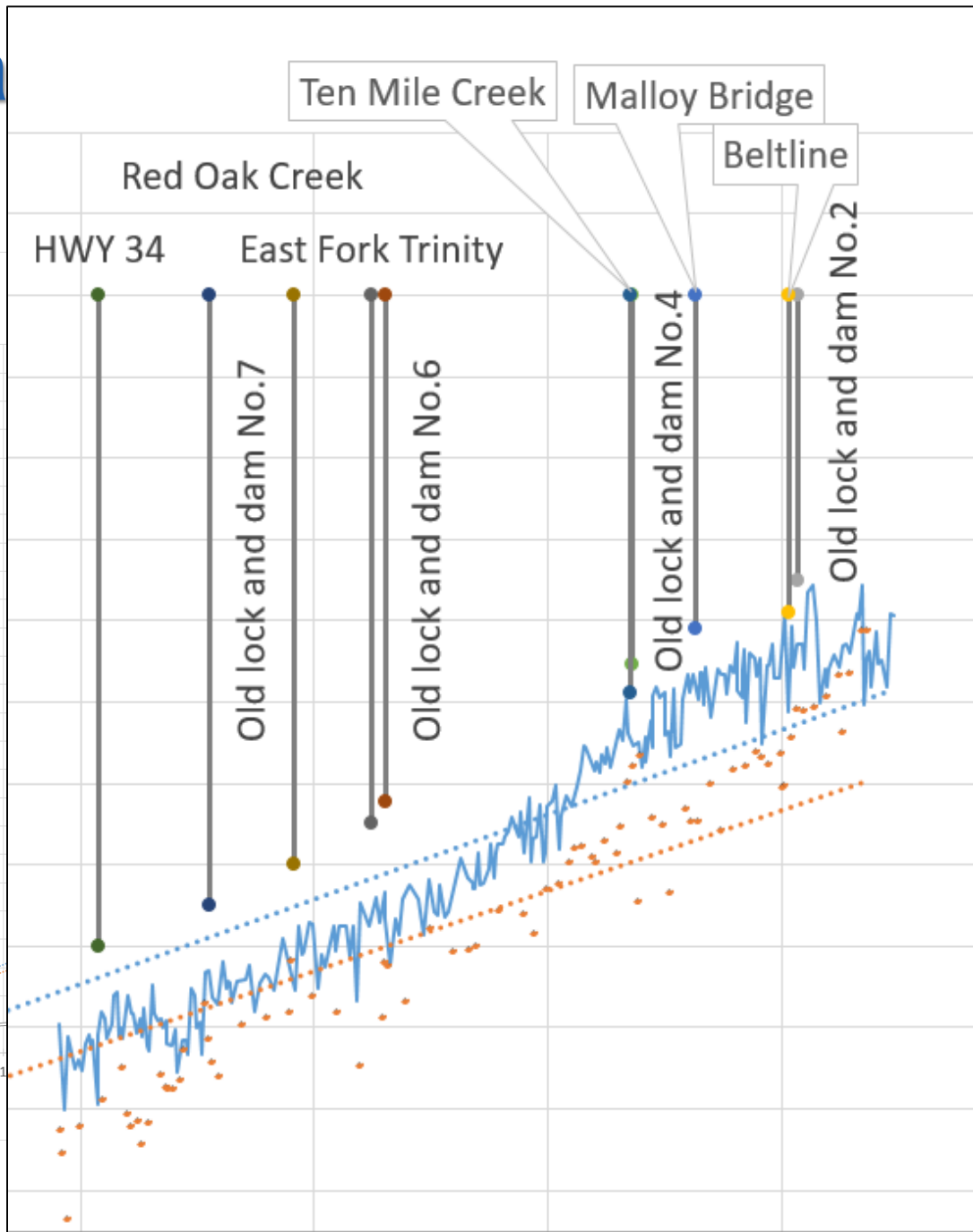
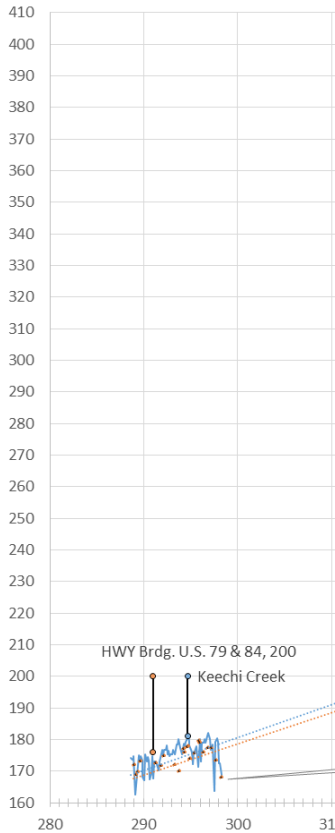


Comparison of River Depths in 1939 and 2018



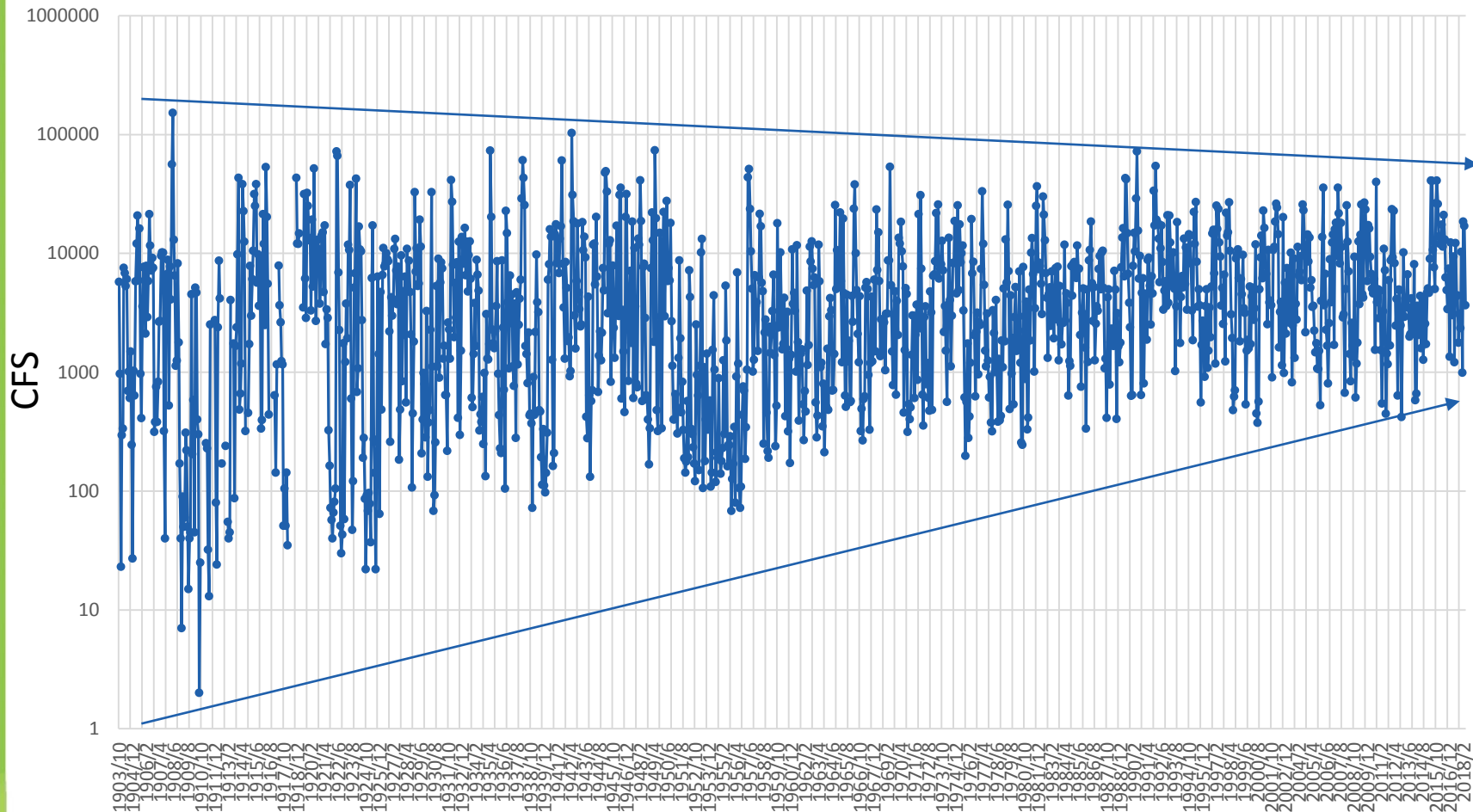
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Increase in Base Flows May Have Altered Hydraulics and Habitat

Daily Max Discharge per Month - Trinity Rv at Dallas



Update on Listing Process

- **Science still lacking**
 - Questions remain regarding basic science
 - Difficult to obtain
- **No standard for data sufficiency in ESA or case law**
 - Lack of data is not a valid defense against unnecessary listing
- **Listing likely unavoidable**



Candidate Conservation Agreement with Assurances

- Voluntary agreement that provides certainty regarding regulatory requirements
- Outline conservation measures aimed at promoting recovery of species
- Specifies covered activities of Permittee
- CCAA becomes a permit to take (Enhancement of Survival Permit) for covered activities (only) should species be listed

CCAA – Conservation Measures

Advance science

- Tolerance tests for water quality
- Habitat requirements
- Genetics

Monitoring

- Monitor health of known mussel beds
- Perform surveys to identify new mussel beds

Education

- Work with land owners to improve habitat along main stem
- Provide information on low-impact alternatives to bulk heading (Livingston)

Support mussels in other basins

- If Trinity cannot sustain existing populations, support conservation where they can be sustained

CCAA – Covered Activities

- Existing water supply and delivery
 - Livingston Reservoir operations (lake level)
 - Bulkhead permitting
- Full use of existing water supplies – ability to fully divert permitted water
- Development of future water supply projects
- Wastewater discharges with current permit limits
- Wastewater collection system repair and maintenance