

The Texas Water Development Board (TWDB) proposes new 31 Texas Administrative Code (TAC) §§358.10, 358.11, 358.12, 358.13, 358.14, and 358.15.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED AMENDMENT.

This rulemaking implements House Bill (HB) 29 from the 89th Texas Legislative Session, codified as Texas Water Code §16.0122. HB 29 created certain new responsibilities for municipally owned utilities that provide potable water through more than 150,000 service connections. This rulemaking covers the portions of Texas Water Code §16.0122 that deal with the TWDB's responsibilities.

In a separate filing with the *Texas Register*, the TWDB proposes a repeal within 31 TAC Chapter 358. With this proposed rulemaking, the TWDB proposes to reorganize that chapter and add a new subchapter. The existing text of § 358.6, with some proposed amendments, will remain in the new sections proposed in this rulemaking.

SECTION BY SECTION DISCUSSION OF PROPOSED AMENDMENTS.

Subchapter C. Water Loss Audits.

The TWDB proposes to add a new subchapter within chapter 358 to better organize the chapter.

Section 358.10 Definitions.

The TWDB proposes to include definitions for the subchapter for ease of reading. All but one of these definitions were previously included in old §358.6 with no proposed changes. The definitions are proposed to be reordered alphabetically. The TWDB proposes to add one new defined term in subsection (6) for "Large Municipally Owned Utilities." As some requirements from HB 29 only apply to certain utilities, the TWDB proposes to add a defined term for "large municipally owned utilities" to cover the applicability of those statutory requirements. This term would be defined as "A municipally owned utility, as defined by Texas Water Code §13.002, that provides potable water through more than 150,000 service connections," which directly implements the language of HB 29.

Section 358.11. Water Loss Audits.

The TWDB proposes to move previously numbered §358.6 to new §358.11. The TWDB proposes to move the defined terms to a new definitions section. The TWDB proposes to move the provisions related to water loss audit validations, water loss thresholds, and technical assistance to separate sections within the same chapter.

The TWDB proposes to update the language within new §358.11 to correct cross references for the provisions that the TWDB proposes to move. This rulemaking does not include any other changes to the text of previously numbered §358.6.

Section 358.12. Water Loss Audit Validations.

The TWDB proposes to move previously numbered §358.6(b)(5) to its own new section. The TWDB proposes to extend the deadline for water loss audit validations from 3 months to 180

days to better align with HB 29. The TWDB proposes to add the requirements from HB 29 to this rule text. The TWDB also proposes to update internal cross references and add clarifying language. New subsection (b) within this new section reflects the new requirements from HB 29.

Section 358.13. Water Loss Thresholds.

The TWDB proposes to move previously numbered §358.6(e) and (f) to their own new section related to water loss thresholds. The only proposed language changes are to change the reference to “total water loss” to reference “real or apparent water loss,” which matches agency practice and to update internal cross-references based on renumbering.

Section 358.14. Water Loss Audit Technical Assistance.

The TWDB proposes to move previously numbered §358.6(g) and (h) to their own new section related to water loss technical assistance. TWDB does not propose any changes to the language.

Section 358.15. Water Loss Mitigation Plan.

The TWDB proposes new section 358.15 to include a new requirement for water loss mitigation plans from HB 29.