

MINUTES OF THE  
TEXAS WATER DEVELOPMENT BOARD  
WORK SESSION  
August 21, 2014

Chairman Carlos Rubinstein called the Work Session of the Texas Water Development Board to order at 7:15 p.m. at the University of Texas at Arlington Research Institute (UTARI), The Jack Newell Family Auditorium, 7300 Jack Newell Boulevard South, Fort Worth, Texas. In addition to Chairman Rubinstein, Directors Kathleen Jackson and Bech Bruun were also in attendance, and a quorum was present.

The Chairman recognized Senator Kelly Hancock and Representative Lon Burnam, who addressed the Board. Carl Caldwell, UT Arlington Research Institute (UTARI), also addressed the Board and presented a video on UTARI.

The General Counsel announced that the Board would take up for consideration the following:

1. OVERVIEW OF STATE WATER PLAN INTERACTIVE WEBSITE. Richard Wade, Operations and Administration, presented this item.

No action was taken on this item.

2. CONSIDER APPROVING BY RESOLUTION, A REQUEST FROM THE HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 (HIDALGO AND WILLACY COUNTIES) FOR A \$5,599,008 GRANT FROM THE WATER LOAN ASSISTANCE FUND TO FINANCE DESIGN AND ENGINEERING COSTS OF A MULTI-PHASE DRAINAGE PROJECT FOR HIDALGO AND WILLACY COUNTIES AND AUTHORIZE THE TRANSFER OF FUNDS FROM THE WATER ASSISTANCE FUND TO THE WATER LOAN ASSISTANCE FUND. Jeff Walker, Water Supply and Infrastructure, presented this item.

Director Bruun moved to adopt the proposed Resolution providing the Hidalgo County Drainage District No. 1 financial assistance from the Water Loan Assistance Fund to finance design and engineering costs of a multi-phase drainage project for Hidalgo and Willacy Counties and authorize the transfer of funds from the Water Assistance Fund to the Water Loan Assistance Fund, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

3. CONSIDER APPROVING BY RESOLUTION, A REQUEST FROM DERBY, ING. (FRIO COUNTY) FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF \$54,000 IN LOAN FORGIVENESS FROM THE DRINKING WATER STATE REVOLVING FUND TO FINANCE PLANNING AND DESIGN COSTS ASSOCIATED WITH UPGRADES TO THE EXISTING WATER SYSTEM. Jeff Walker, Water Supply and Infrastructure, presented this item. Dario Guerra, III, Owner, Derby Ing., also addressed the Board.

Director Jackson moved to adopt the proposed Resolution providing Derby, Ing. financial assistance in loan forgiveness from the Drinking Water State Revolving Fund to finance planning and design

costs associated with upgrades to the existing water system, as recommended by the Executive Administrator.

The motion was seconded by Director Bruun; it passed unanimously.

4. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO: (A) NEGOTIATE AND EXECUTE PAYABLE CONTRACTS IN A TOTAL AMOUNT NOT TO EXCEED \$991,605 (\$627,870 FROM THE TEXAS WATER DEVELOPMENT BOARD) FOR CONTINUATION OF THE WATER RESOURCES INVESTIGATIONS DATA COLLECTION PROGRAM WITH THE U.S. GEOLOGICAL SURVEY IN FISCAL YEAR 2015; AND (B) AMEND THE CONTRACTS IN AN AMOUNT NOT TO EXCEED \$100,000 IF ADDITIONAL FUNDS BECOME AVAILABLE. Mark Wentzel, Water Science and Conservation, presented this item.

Director Bruun moved to authorize Executive Administrator to negotiate and execute payable contracts in a total amount not to exceed \$991,605, of which \$627,870 would be attributable to the Texas Water Development Board, for continuation of the Water Resources Investigations data collection program with the U.S. Geological Survey in Fiscal Year 2015; and to amend the contracts in an amount not to exceed \$100,000 if additional funds become available.

The motion was seconded by Director Jackson; it passed unanimously.

5. CONSIDER APPROVING THE STATE FISCAL YEAR 2015 CLEAN WATER STATE REVOLVING FUND INTENDED USE PLAN. Jo Dawn Bomar, Program Administration and Reporting, presented this item.

Director Jackson moved to approve the State Fiscal Year 2015 Clean Water State Revolving Fund Intended Use Plan, as recommended by the Executive Administrator.

The motion was seconded by Director Bruun; it passed unanimously.

6. CONSIDER APPROVING THE STATE FISCAL YEAR 2015 DRINKING WATER STATE REVOLVING FUND INTENDED USE PLAN. Jo Dawn Bomar, Program Administration and Reporting, presented this item.

Director Bruun moved to approve the State Fiscal Year 2015 Drinking Water State Revolving Fund Intended Use Plan, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

7. CONSIDER ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE (TAC) CHAPTER 371 RELATING TO THE DRINKING WATER STATE REVOLVING FUND AND 31 TAC CHAPTER 375 RELATING TO THE CLEAN WATER STATE REVOLVING FUND. THE PROPOSED RULES WERE PUBLISHED IN THE JULY 4, 2014 ISSUE OF THE *TEXAS REGISTER* (39 TEXREG 5106). Jo Dawn Bomar, Program Administration and Reporting, presented this item.

Director Jackson moved to adopt amendments to 31 Texas Administrative Code, Chapter 371 relating to the Drinking Water State Revolving Fund, and Chapter 375 relating to the Clean Water State Revolving Fund, as recommended by the Executive Administrator.

The motion was seconded by Director Bruun; it passed unanimously.

8. BRIEFING AND DISCUSSION ON HB 4 RULE DEVELOPMENT. Todd Chenoweth, Senior Advisor, presented this item.

No action was taken on this item.

9. PUBLIC HEARING ON PROPOSED AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 363 RELATING TO FINANCIAL ASSISTANCE PROGRAMS, 31 TEXAS ADMINISTRATIVE CODE SECTION 353.3 OF SUBCHAPTER A RELATING TO GENERAL PROVISIONS, 31 TEXAS ADMINISTRATIVE CODE SECTION 356.10 OF SUBCHAPTER A RELATING TO DEFINITIONS, AND CHAPTER 31 TEXAS ADMINISTRATIVE CODE SECTION 367.2 RELATING TO DEFINITIONS, ALONG WITH THE PROPOSED ADDITION OF SUBCHAPTER M TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 363 RELATING TO THE STATE WATER IMPLEMENTATION FUND FOR TEXAS (SWIFT) AND THE STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS (SWIRFT).

The Chairman invited formal public comment on the proposed rules. He stated that each commenter will provide comments, which will be recorded and responded to in writing as part of the Adoption Preamble.

Comments were received from the following individuals:

Dewayne Quertermous, Sierra Club  
John Rath, Sierra Club  
State Representative Lon Burnam  
Greg Hughes  
John Lingenfelder, Sierra Club  
Fred Aus, Texas Rural Water Association  
Jody Puckett, Dallas Water Utilities, Region C Vice Chairman  
William Crowder  
Carol Spruiell, Texas Conservation Alliance  
Ed Pischida  
Robert Vann  
Linda Hanratty  
Mark Greene, Candidate, U.S. House of Representatives, Texas 12  
Charley Kemp

10. Public comments were received from:

Gregory Perry  
Jerry Pikulinski  
William Crowder  
Keith Annis, Population Media Center  
Fred Aus, Texas Rural Water Association

11. The Board did not meet in closed session.

The meeting adjourned at 9:22 p.m.

APPROVED and ordered of record this, the 21<sup>st</sup> day of August, 2014.

TEXAS WATER DEVELOPMENT BOARD

\_\_\_\_\_  
Carlos Rubinstein, Chairman

DATE SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kevin Patteson  
Executive Administrator