

**From:** Sarah Backhouse <Sarah.Backhouse@twdb.texas.gov>  
**Sent:** Tuesday, June 25, 2019 9:45 AM  
**Subject:** TWDB Guidance related to HB 807

Good morning,

As stated in my June 13<sup>th</sup> email, House Bill (HB) 807 is effective immediately and RWPGs must address the new planning requirements in the 2021 regional water plans (RWP). Below is TWDB's guidance for RWPGs to address the HB 807 requirements during the current cycle of planning.

This guidance is being provided to assist RWPGs in meeting all statutory requirements (as required by the current contract scope of work). TWDB will begin a rulemaking with anticipated completion date near the Initially Prepared Plan deadline. A formal letter will be sent in the near future with information on the rulemaking and a preliminary stakeholder input process.

1. **Texas Water Code (TWC) §16.053(e)(3)(E)–Unnecessary or counterproductive variations in drought response strategies**
  - a. **Requirement:** “RWPGs should identify unnecessary or counterproductive variations in specific drought response strategies, including outdoor watering restrictions, among user groups in the regional water planning area (RWPA) that may confuse the public or otherwise impede drought response efforts.”
  - b. **Guidance:** *RWPGs should review information collected through current requirements outlined in [31 TAC §357.42\(c\) and \(i\)](#) and Section 7.5 of [Exhibit C](#) and document what drought response strategies are determined to be “unnecessary or counterproductive” in Chapter 7 of their RWP.*
2. **TWC §16.053(e)(10)–Specific assessment of Aquifer Storage and Recovery (ASR) potential if significant identified needs**
  - a. **Requirement:** “If a RWPA has significant identified water needs, [the RWP shall provide] a specific assessment of the potential for aquifer storage and recovery projects to meet those needs.”
  - b. **Guidance:** *The threshold(s) for “significant” identified water needs are to be defined by the RWPG; however, RWPGs must clearly articulate in their RWP how they determined the threshold of significant water needs for this requirement. If an RWPG determines that water needs are significant, the RWPG shall generally assess ASR potential to the best of its ability based on the remaining budget resources currently under contract and as an assessment specific to their region. Some RWPGs may have already assessed ASR feasibility as part of their strategy evaluations to meet needs and should clearly document this. The TWDB will provide a list of the agency’s currently available and relevant information on ASR for the RWPGs to consider in this effort.*
3. **TWC §16.053(e)(11)–Setting Gallons Per Capita Daily (GPCD) goal(s) for each planning decade**
  - a. **Requirement:** The RWP shall “set one or more specific goals for gallons of water use per capita per day in each decade of the period covered by the plan for the municipal water user groups in the RWPA.”

- b. **Guidance:** *TWDB will provide a list of municipal WUGs in each RWPG as well as supporting information of historic GPCD estimates as recalculated for utility boundaries, projected GPCDs, and relevant information from conservation annual reports submitted to TWDB to inform their process to set GPCD goals. GPCD goals may be a specific GPCD, or ranges of GPCD; may be based on specific municipal WUGs, or groupings of municipal WUGs as determined appropriate by the RWPG. This information should be included in Subchapter 5B of the RWP.*
  
- 4. **TWC §16.053(e)(12)–Assess progress of “regionalization”**
  - a. **Requirement:** The RWP shall “assess the progress of the RWPA in encouraging cooperation between water user groups for the purpose of achieving economies of scale and otherwise incentivizing strategies that benefit the entire region.”
  - b. **Guidance:** *Based on information collected during plan development, RWPGs shall include in Chapter 11 of their RWPs documentation of the RWPG’s general assessment of progress of the RWPA in encouraging cooperation between WUGs for the purpose of achieving economies of scale and otherwise incentivizing strategies that benefit the entire region.*
  
- 5. **TWC §16.053(i)–Recommendations on process improvements**
  - a. **Requirement:** RWPGs should make legislative recommendations “for any other changes that the members of the planning group believe would improve the water planning process.”
  - b. **Guidance:** *As part of Task 8 of the planning scope of work (Recommendations regarding Legislative and Regional Policy Issues), RWPGs should include any legislative recommendations that members of the planning group believe would improve the regional and state water planning process.*

We will be following up with a letter in the near future regarding the Interregional Planning Council.

Please contact me with any questions.

Best,

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