Proposal: Support legislation that enhances the state's ability to ensure water availability *and* sustainability.

Rationale: It is no secret that Texas' water supplies are overburdened and struggling through consecutive years of drought and increasing population growth. Last legislative session, the Legislature created the New Water Supply for Texas Fund, which is to primarily be used to develop water supply projects such as desalination, produced water treatment, aquifer storage and recovery, and the development of infrastructure to transport such water supplies. This session, the Legislature is again looking to increase investment in Texas' water infrastructure and supplies. These are valued efforts and should be supported, but there is more that can be done to ensure water supplies in Texas are protected now and for generations.

Texas should shift its mindset from one of availability to one of sustainability. Population growth and economic development are beneficial to the state in many ways, but any gains Texas receives from these boosts will matter very little if there is not enough water in the coming years to support them.

Options: To ensure water sustainability in Texas, legislators should consider:

- Ensuring the management of groundwater and surface water recognizes the connections between those sources, including by funding studies on groundwater-surface water interactions to quantify the impact of groundwater withdrawals and water management on surface water rights.
- Directing the Texas Commission on Environmental Quality to create and enforce strict regulations for the treatment and use of produced water from oil and gas operations.
- Authorizing water reuse districts similar to the historic Alamo Water Conservation and Reuse District (71R, SB 1667, 1989), which led to the nation's largest water recycling system in San Antonio. These districts should especially be considered in the high growth areas of the Texas Hill Country.[1]
- Expanding the applicability of water availability studies for subdivision developments, including implementing requirements that water availability studies consider both groundwater and surface water and that all new developments, state-wide, must submit such a study.[2] Standards for water availability studies submitted by developers must use best available modeling practices and data.
- Expanding the required timeframe for water availability studies to 100 years, up from the current 10 and 30 years. Water availability studies are not currently required to show proof of availability beyond 30 years, meaning on the 30th year and 1st day there could be no water for that homeowner.
- Requiring the water availability reports to include water quality provisions. It does not matter if the water is available if it is not of suitable quality for human consumption.
- Requiring water providers to submit a water availability report for their supplies every three years to the counties within their service areas and requiring the report to be based on the best available modeling practices and data.
- Requiring this water provider report to be included in the disclosure documents at point of sale for all residential home sales.

[1] Read more about reuse districts here: https://twj-ojs-tdl.tdl.org/twj/article/view/7170/6509 and the original authorizing legislation for AWCRD here: https://lrl.texas.gov/LASDOCS/71R/SB1667/SB1667_71R.pdf

[2] Learn more about water availability policies and regulations across the Western US and Texas here: https://www.youtube.com/watch?v=bXCeUlWEGjE (April 2024 Water Wonks Lecture: https://aquiferalliance.org/water-wonks-series-2024/)