

Implementing SB 181 Sec 2 and Sec 3.docx

Legislation to be Implemented:

- SECTION 2. - Sec. 16.403. Water Use Reporting and Sec. 16.404. Rules and Standards.
- SECTION 3.

Key Collaborators

- TWDB
- TCEQ
- WCAC

Key Charges

- shall develop a uniform, consistent methodology and guidance for calculating water use and conservation to be used by a municipality or water utility in developing water conservation plans and preparing reports required under this code.
- shall use the methodology and guidance developed in evaluating a water conservation plan, program of water conservation, survey, or other report relating to water conservation submitted to the board or the commission under
- shall develop a data collection and reporting program for municipalities and water utilities with more than 3,300 connections.

Methodology and Guidance Must Include:

1. a method of [calculating total water use by a municipality or water utility, including water billed and nonrevenue water used](#), and a method of [calculating water use for each sector of water users served](#) by a municipality or water utility;
2. a method of [calculating total water use by a municipality or water utility in gallons per capita per day](#);
3. a method of [classifying water users within sectors](#);
4. a method of [calculating water use in the residential sector](#) that includes both single-family and multifamily residences, in gallons per capita per day;
5. a method of [calculating water use in the industrial, agricultural, commercial, and institutional sectors that is not dependent on a municipality's population](#) or the number of customers served by a water utility; and
6. [guidelines on the use of service populations](#) by a municipality or water utility in developing a per-capita-based method of calculation, including [guidance on the use of permanent and temporary populations](#) in making calculations.

Key Deadlines

- **Not later than January 1, 2013**, shall develop the water use and conservation calculation methodology and guidance and the data collection and reporting program.
- **Not later than January 1, 2015**, the Texas Water Development Board shall submit to the legislature the first report that includes the most recent data relating to:
 - (1) statewide water usage in the residential, industrial, agricultural, commercial, and institutional sectors; and
 - (2) the data collection and reporting program developed under Subsection (d).
- **Not later than January 1 of each odd-numbered year**, the board shall submit to the legislature a report

Work Schedule	Task	Deadline
Aug – Sep 2011	Agency Staff at TCEQ & TWDB meet and prepares draft scope of work.	9/1/11
Sep 2011	WCAC selects volunteers to participate on '181 Committee.'	9/1/11
Sep 2011	TWDB's Conservation staff, Water Uses staff and TCEQ staff coordinate to develop a listing of water utilities serving more than 3,300 connections	10/1/11
Sep – Oct 2011	Appropriate agency staff work with respective Legal staff of TCEQ and TWDB to identify appropriate revisions of agency administrative rules-September 2011.	10/15/11
Oct – Nov 2011	181 Committee conducts a joint study and evaluation of existing forms such as the: <ul style="list-style-type: none"> • annual water use survey(TWDB) • water conservation plans (TCEQ & TWDB) • utility profiles(TWDB) • water conservation plans annual reports (TWDB) • implementation reports (TCEQ) 181 Committee prepare drafts of revised reporting forms.	11/15/11
Oct – Nov 2011	Legal staff of TCEQ and TWDB continue process of revision of agency rules as necessary	12/15/11
Dec – Feb 2012	181 Committee develops draft guidelines and procedures for revised reporting forms (to be used by utilities with more than 3,300 connections).	3/15/2012
Mar – May 2012	181 Committee gives status report at each WCAC meeting and by e-mail as appropriate.	Mar – May 2012
May - June 2012	181 Committee reviews, comments, and reaches agreement on draft materials	June 2012
July - Aug 2012	TCEQ and TWDB adopt agency rules necessary to implement the required forms and reporting-July/August 2012	Aug 2012
Aug – Nov 2012	181 Committee finalizes the guidelines and all necessary reporting forms(for data collection and reporting from municipalities and water utilities with more than 3,300 connections)	Internal Deadline 12/1/12 Official Legislative Deadline 1/1/13

Jan – Feb 2013	Notification Letters are issued for: <ul style="list-style-type: none"> • 2013 water use survey(<i>data of 2012</i>) • 2012 water conservation plan annual reports (<i>data of 2012</i>) { entities with more than 3,300 connections will use the new reporting forms} 	Feb 2013
June 2014 - Nov 2014	The Texas Water Development Board shall submit to the legislature the first report that included the most recent data relating to : <ul style="list-style-type: none"> • statewide water usage in the residential, industrial, agricultural, commercial, and institutional sectors; a • the data collection and reporting program that was jointly developed 	Internal Deadline 12/1/14 Official Legislative Deadline 1/1/15

AN ACT

Relating to the calculation and reporting of water usage by municipalities and water utilities for state water planning and other purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 2. Subchapter K, Chapter 16, Water Code, is amended by adding Sections 16.403 and 16.404 to read as follows:

Sec. 16.403. WATER USE REPORTING. (a) The legislature finds that:

(1) tracking water use over time and [evaluating the effects of water conservation programs or strategies are vital components of planning](#) for and managing the state's water resources to estimate and meet future water demand requirements;

(2) gallons per capita per day, the common metric used by municipalities and water utilities for water supply planning and the calculation of water use, is not an accurate measure of water use or water conservation because a uniform, [consistent methodology for the calculation of gallons per capita per day has not been established](#);

(3) [using a single gallons per capita per day metric to compare the water use of municipalities and water utilities does not produce a reliable comparison because water use is dependent on several variables](#), including differences in the amount of water used for commercial and industrial sector activities, power production, permanent versus temporary service populations, and agricultural sector production;

(4) if valid water use comparisons and evaluations of a municipality's or water utility's water conservation programs are to be made over time for statewide resource management and water supply planning and permitting purposes, [the methodology used to calculate gallons per capita per day must be uniform for all water suppliers](#);

(5) a municipality's or water utility's industrial and agricultural sector's gallons per capita per day figures are not an accurate measure of actual water use and conservation by entities within those sectors because water use in the [industrial and agricultural sectors is not population-dependent and therefore not accurately calculated using a population-based metric](#); and

(6) a sector-based water use metric, adjusted for variables in water use by municipalities and water utilities, is necessary in order to provide an accurate comparison of water use and water conservation among municipalities and water utilities.

(b) **The board and the commission, in consultation with the Water Conservation Advisory Council, shall develop a uniform, consistent methodology and guidance for calculating water use and conservation to be used by a municipality or water utility in developing water conservation plans and preparing reports required under this code.** At a minimum, **the methodology and guidance must include:**

(1) a method of [calculating total water use](#) by a municipality or water utility, [including water billed and nonrevenue water used](#), and a method of [calculating water use for each sector of water users served](#) by a municipality or water utility;

(2) a method of [calculating total water use by a municipality or water utility in gallons per capita per day](#);

(3) a method of [classifying water users within sectors](#);

(4) a method of [calculating water use in the residential sector](#) that includes both single-family and multifamily residences, in gallons per capita per day;

(5) a method of [calculating water use in the industrial, agricultural, commercial, and institutional sectors that is not dependent on a municipality's population](#) or the number of customers served by a water utility; and

(6) **guidelines on the use of service populations** by a municipality or water utility in developing a per-capita-based method of calculation, including **guidance on the use of permanent and temporary populations** in making calculations.

(c) **The board or the commission**, as appropriate, **shall use the methodology and guidance developed** under Subsection (b) **in evaluating a water conservation plan, program of water conservation, survey, or other report relating to water conservation submitted** to the board or the commission under:

- (1) Section 11.1271;
- (2) Section 13.146;
- (3) Section 15.106;
- (4) Section 15.607;
- (5) Section 15.975;
- (6) Section 15.995;
- (7) Section 16.012(m);
- (8) Section 16.402;
- (9) Section 17.125;
- (10) Section 17.277;
- (11) Section 17.857; or
- (12) Section 17.927.

(d) The board, **in consultation** with the commission and the Water Conservation Advisory Council, **shall develop a data collection and reporting program for municipalities and water utilities with more than 3,300 connections.**

(e) **Not later than January 1 of each odd-numbered year**, the board **shall submit to the legislature a report** that includes the most recent data relating to:

- (1) **statewide water usage in the residential, industrial, agricultural, commercial, and institutional sectors; and**
- (2) **the data collection and reporting program developed under Subsection (d).**

Sec. 16.404. RULES AND STANDARDS. The commission and the board, as appropriate, shall adopt rules and standards as necessary to implement this subchapter. **At a minimum, the rules adopted under this subchapter must require an entity to report the most detailed level of water use data currently available to the entity.** The commission may not adopt a rule that requires an entity to report water use data that is more detailed than the entity's billing system is capable of producing. The rules may require that billing systems purchased after September 1, 2011, be capable of reporting detailed water use data described in this subchapter.

SECTION 3. (a) **Not later than January 1, 2013**, the Texas Water Development Board and the Texas Commission on Environmental Quality, in consultation with the Water Conservation Advisory Council, **shall develop** the water use and conservation calculation **methodology** and **guidance** and the **data collection and reporting program** required by Subsections (b) and (d), Section 16.403, Water Code, as added by this Act.

(b) **Not later than January 1, 2015**, the Texas Water Development Board **shall submit to the legislature the first report** required by Subsection (e), Section 16.403, Water Code, as added by this Act.