



CITY OF HOUSTON
Houston Public Works

Sylvester Turner

Mayor

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May 17, 2019

Mr. Jeff Walker
Executive Administrator
Texas Water Development Board
1700 North Congress Avenue
Austin, Texas 78701

Via U.S. Mail and Email

RE: Groundwater Management Plan of Lone Star Groundwater Conservation District

Dear Mr. Walker:

I am writing you on behalf of the City of Houston regarding the Texas Water Development Board's ("TWDB") review of the Groundwater Management Plan ("Management Plan") of Lone Star Groundwater Conservation District ("District"), submitted for TWDB approval on March 14, 2019. As a regional water supplier using both surface water and groundwater sources to meet area demands, Houston is concerned that the Management Plan does not propose to manage groundwater pumping and usage, and, consequently does not safeguard aquifer recharge and recovery and does not support efforts to address subsidence.

As a Large Volume Groundwater User ("LVGU"), Houston and its customers will suffer the effects of the inadequate Management Plan the District presents for your review. The City of Houston includes approximately 3000 acres of land in Montgomery County which are supplied by groundwater. To serve this area, Houston obtained a Large Volume Groundwater User Operating Permit that allows Houston to pump up to 501 million gallons of water annually. The District communicated with Houston in February 2019 and again on April 12, 2019 to notify Houston that once a final judgement is rendered in Cause No. 15-08-08942, the LVGU rule would become "void and unenforceable," and "stricken from the District's rules, regulatory plan, and the LVGU permits." A copy of the correspondence is attached to this letter for easy reference and review. While it is a legal question whether the District will still enforce previously undisputed District Management Plans, the District's correspondence states that the District will not have any rules in place for LVGUs or any Desired Future Conditions ("DFCs") until the District derives new ones "in the coming months." In the Management Plan presented by the District for your consideration, the District suggests that it will be at least two years before new regulations are developed. In the interim, there are no rules in place to regulate groundwater permitting and pumpage, or to address environmental concerns and subsidence.

Council Members: Brenda Stardig Jerry Davis Ellen R. Cohen Dwight A. Boykins Dave Martin Steve Le Greg Travis Karla Cisneros
Robert Gallegos Mike Laster Martha Castex-Tatum Mike Knox David W. Robinson Michael Kubosh Amanda K. Edwards Jack Christie

Controller: Chris B. Brown

May 17, 2019
Mr. Jeff Walker

Houston is concerned that, in the District's repudiation of its own 2010 Regulatory Plan, and failure to adopt any DFCs in the interim, the District has also abandoned Houston's Groundwater Reduction Plan, approved by the District in 2011, which was based on the District's 2010 Regulatory Plan. It is important to note that Houston's distribution system is in both Montgomery County and Harris County. Because Houston met the conditions set forth in Phase II of 2010 Regulatory Plan, Houston can use groundwater produced from the Gulf Coast Aquifer in Harris County as an alternative source of water in Montgomery County. One of those conditions is that no less than 100 percent of groundwater used by the LVGU as an alternative supply in the adjacent county is subject to the surface water conversion requirements of a subsidence district or a groundwater conservation district other than the District, which conversion requirements must be at least as stringent as the Initial Conversion Obligations set forth in Phase II, Section B of the 2010 Regulatory Plan. This means that Houston's wells located in Harris County that are adjacent to Montgomery County can be used as an alternative water source in Montgomery County because the Harris-Galveston Subsidence District's ("HGSD's") regulations are at least as stringent as the District's. This allowance related to a conversion requirement is no longer applicable because the District has no rules in place at present.

At present, Houston's position is that it should continue to comply with the District's 2010 Regulatory Plan. To achieve compliance, Houston constructed water mains to interconnect its distribution systems in Montgomery County and Harris County. These interconnections allowed Houston to meet the additional demands in Montgomery County through its facilities in Harris County and to reduce the groundwater pumpage in Montgomery County. Accordingly, Houston ceased operations at one of its groundwater facilities in Montgomery County; Houston now operates its existing Montgomery County wells in a diminished capacity.

Through its commitment to groundwater reduction in coordination with other water suppliers and the HGSD, and formerly with the District, Houston continues to be the leader in surface water conversion. Houston has committed hundreds of millions of dollars to reduce regional groundwater pumpage over the past several decades. For example, Houston financed and purchased an undivided 2/3 interest in the surface water impounded and available from Lake Conroe. Instead of reserving that water supply for Houston's future surface water needs, Houston entered into an agreement with the San Jacinto River Authority ("SJRA") to make its surface water available for use within Montgomery County, at a cost of over \$25 million to date.

The fundamental reason the TWDB should carefully consider whether the District's Management Plan should be approved is that the Management Plan is lacking in substance as required to provide for groundwater conservation and aquifer protection. The District asserts:

Given these circumstances [that the District Board opted not to support the GMA 14 position regarding the use of "Run D" for the third round of planning], the DFCs that apply to the District remain unresolved. Thus, no reasonable DFCs are available for inclusion into this Management Plan. When the District and GMA 14 successfully adopt DFCs that are deemed reasonable [by the District], then the District will update this plan.

According to the District, GMA 14 will not have proposed DFCs for adoption until May 1, 2021. Consequently, the District does not have a plan at present, but assures the TWDB that it *will* have a plan, based on the DFCs to be adopted in the future. The mere promise of future District regulation puts Houston's investment in groundwater conservation at risk. And, of course, Houston is not the only LGVU whose future water supplies may be compromised. Other suppliers, such as Houston's partner in Lake Conroe, SJRA, are also threatened. Houston, SJRA and North

May 17, 2019
Mr. Jeff Walker

Harris County Municipal Water Authority have all invested in surface water supplies to reduce reliance on groundwater, thereby promoting groundwater conservation.

The TWDB has a wonderful history of supporting water suppliers such as Houston and the development of water supplies through financial assistance. The TWDB would not grant financial aid to an entity based on plans to submit documentation of need for the water supply and financial assurances at a future date. Likewise, the TWDB should not bless any management plan that does not satisfy the requirements for specific, measurable and achievable management objectives and performance standards for: the efficient use of groundwater; controlling and preventing the waste of groundwater; controlling and preventing subsidence; providing for conjunctive surface water use; and addressing other issues of groundwater conservation and environmental protection. In that regard, the TWDB should direct the District to submit a revised management plan with regulations to be applicable in the time before it finalizes the new DFCs. The management objectives and the performance standards of the District's 2010 Regulatory Plan should be put in place as interim protection for regional groundwater supplies and subsidence reduction. The District's proposal to simply have no DFCs, pumping, or permitting regulation is unworkable; the District should not be given the option to manage and conserve groundwater at its own discretion.

In requiring the District to put a Management Plan in place with applicable goals, the District is doing no more than exercising its statutory jurisdiction to require more certainty for groundwater conservation and protection. In submitting this letter, Houston joins others to request that the TWDB act to require the District to provide present—not just future—protection for the investment regional water suppliers have made in additional surface water supplies and infrastructure for groundwater conversion. Please help us protect the economic and environmental future of Southeast Texas by requiring the District to provide full compliance with Texas Water Code management plan requirements.

Sincerely,



Carol Ellinger Haddock, P.E., Director
City of Houston | Houston Public Works

Attachment: April 12, 2019 District Letter RE: Houston's LVGU Permit