

## Environmental Flows – Senate Bill 3 Rulemaking Process

**Issue:** Pending before the Texas Commission on Environmental Quality (TCEQ) are environmental flow standards for Nueces River and Nueces River Basin, which have the potential to significantly impair the City of Corpus Christi's existing water supply from the Choke Canyon/Lake Corpus Christi System. Because Corpus Christi is the regional supplier of water for municipalities, business, industry and water systems serving approximately 500,000 customers from Rockport, Three Rivers, Kingsville and locations in between, this TCEQ decision has the potential to impact the entire Coastal Bend region. The TCEQ is expected to hold a public hearing on the proposed rules and environmental flow standards in February 2014. TCEQ is required to have a rule adopted for the Nueces River basin by March 2014.

**Requested Action:** The City of Corpus Christi is requesting that TCEQ add language that clearly and conclusively establishes that SB 3 environmental flow standards are to be applied prospectively and not negatively impact existing water rights:

*This subsection does not affect an appropriation of or an authorization to store, take, or divert water under a permit or amendment to a water right issued before September 1, 2007.*

**Background:** In 2007, the Texas Legislature passed Senate Bill 3, establishing a process for developing environmental flow standards for future surface water permits. This process is legislatively-mandated not to affect existing permits. The City of Corpus Christi (as the operating entity) operates the Choke Canyon Reservoir/Lake Corpus Christi System in accordance with the special conditions contained in Certificate of Adjudication No. 12-3214 (issued in 1976). Through one of the special conditions in the permit, an Advisory Committee was established to address environmental flow requirements. This exercise is wholly independent of the SB 3 process. Language within the permit states that environmental flows are required and are within the power of the TCEQ to make changes in them, "to the extent provided by law." There is a possibility that adoption of standards developed during the on-going Senate Bill 3 process may unintentionally set a precedent allowing for a revision to the City's permit, which would significantly reduce water availability for municipal, industrial and agricultural uses throughout the Coastal Bend.

City staff and contract consultants have been involved with the process to date, and have sought to ensure that the legislative intent of Senate Bill 3, to avoid impacting existing water supply, is maintained.

**Potential Consequences:** If the TCEQ's proposed environmental flow standard rules are not revised, the City's water supply currently used for municipal, commercial, manufacturing, agricultural, and industrial uses in five South Texas counties could be significantly reduced in order to meet the new, higher environmental flow requirements. Water from the Choke Canyon/Lake Corpus Christi system is the lowest-cost water available. If less water is available from this system, consumers will have to pay higher prices for other sources, such as Lake Texana.