

Summary of Minutes

Water Conservation Advisory Council Meeting

Date: Wednesday June 10, 2009
Time: 10:02 am – 1:45 pm
Location: Conference Room - Bldg 6
Austin Field Office - Texas Parks and Wildlife Department
1340 Airport Commerce Drive - Austin, TX

Meeting called by: C.E. Williams, Presiding Officer
Meeting Facilitators: TWDB support staff

Council Members in attendance are listed below:

Scott Swanson	Comer Tuck	Greg Carter	Ken Kramer
C. E. Williams	Kelly Hall Gene	Steve Bednarz	Bill Hoffman
Carole Baker	Montgomery	Richard Egg	
Jim Parks	Wilson Scaling	Wayne Halbert	

Alternates in place of Council Members:

Lara Zent for Janet Adams
Dan Opdyke for Cindy Loeffler
Juan Soulas for Karen Guz

At 10:02 am the Council meeting was called to order by Presiding Officer C.E. Williams. Council members and members of the audience introduced themselves and the presiding officer welcomed the Water Conservation Advisory Council (Council), the alternates, and the audience. The first item in the agenda was the approval of the previous council meeting minutes. The previous minutes were approved. The floor was opened for public comment for which there was none.

The presiding officer invited Kevin Ward, Texas Water Development Board (TWDB) Executive Administrator, to speak to the audience. Mr. Ward was invited to provide his thoughts on the Council's process of developing their legislative report, as well as some recommendations on how to improve the process. Mr. Ward started by reflecting on the TWDB's role in the process during the last two-three years. He stated that during that period the TWDB was trying to develop its expertise and move forward on several initiatives in water conservation. Such initiatives included developing measurement techniques, developing a public recognition program (rainwater harvesting), enhancing water use surveys, database improvements, as well as developing a public awareness program with the Water IQ brand. Legislative and policy activities, such as forming a stakeholder process for strategic planning and hosting a water summit, were also being started fairly early on in the process. While that was going on at the TWDB, the Council was busy working on their process of developing their 2008 report. When it came time for the Council to put out their legislative report, in some areas the Council's interpretation of what the agency had been doing appeared to be different than the TWDB's interpretation of what had been done.

Communication

Mr. Ward stated that in moving forward, one primary area for improvement is to insure continuous and consistent communication. Mr. Ward suggested that in one aspect there was a failure on the TWDB's part for not being more engaged with the Council, and in another aspect the Council should have also reached out more to involve the TWDB. He stated that for example, the TWDB could have done a better job on interpreting and putting together the public awareness information that the Council needed. He thought that the TWDB could have assisted in facilitating some better communication with the stakeholders on that particular area. Additionally, Mr. Ward also recognized that during the process, the Council was not able to get the type of Regional Plan implementation information that they needed to make some of their decisions. He felt that this is an area that the TWDB can start working on in the near future.

He emphasized that in the future, the TWDB will make sure they provide budget information on conservation activities and coordinate with the Council and other stakeholders.

Mr. Ward also stated that TWDB will be engaged at multiple levels and will probably start a routine of providing regular reports to the TWDB executive staff and to Board Members. He encouraged the Council to submit items to the TWDB for discussion at TWDB meetings and to attend TWDB meetings to address those agenda items.

The presiding chair suggested that the TWDB should designate 2-3 representatives for each workgroup so that the TWDB can provide useful input into how the Council can work towards meeting their charges.

Focus on Legislative Charges

Mr. Ward suggested that another area to improve is in focusing centrally on the legislation and charges. He stated that at the TWDB everything is grounded to the legislative charges. That is how they get focused and then improve their own processes within the anticipated budget.

Mr. Ward stated that the Council's first report was more of a reflection on where things were and recommendations for the future as opposed to a report on the status of progress. He suggested that the tone the next time around should demonstrate what the Council was able to do with the current level of funding.

Presiding Chair C.E. Williams stated that in many cases there were no mechanisms to get the information that the Council needed, so they focused on recommendations. Mr. Ward suggested that the TWDB could be more engaged with the Council so that when those types of limitations are presented, that together everyone can explore ways to work within those limits or recommend ways to overcome those limitations.

Council Member Carole Baker stated that this first report was indeed primarily recommendations because the Council wanted to identify where things are at now and where things need to be. The report identified areas with the most need such as regional

planning, measurement, and public awareness. The Council recommended that funding would be necessary to get to the next level of progress.

Council Member Jim Parks commented that part of the significant progress that this Council made was in developing some fundamental groundwork. This groundwork focused on trying to synchronize language, and focused on standardizing methodology for use in the regulatory, planning, permitting, conservation arenas. He suggested that perhaps the area where the Council failed was in effectively demonstrating those efforts and progress to TWDB.

Mr. Ward stated that perhaps the next report should focus more on the State's progress on those charges than the progress of the Council. For example, the Council should document trends and efforts going on in the state agencies and then share observations on what should be happening within those agencies as far as progress. Mr. Ward pointed out that without having clearly demonstrated progress on the charges the recommendations will not carry a lot of weight. He recommended that the Council catalog the progress in each charge and organize it so that the Council can demonstrate what has been done, what can continue being done, and what will be needed to move forward.

He suggested that the Council should engage with the TWDB to verify whether or not those things that the Council feels need to be done in order to meet the charges, are something the TWDB can or can not do with current resources. For example, the Council can convey to the TWDB during the interim period, a set of observations. With that the Council can then indicate whether that resulted in rule changes, changes to the TWDB's procedures and processes, or changes in contracts with Regional Water Planning Groups.

Mr. Ward stated that two aspects of the TWDB resources is that 1) there is a baseline budget for conservation and 2) there are research dollars to be designated to projects some of which could be used to help support the Councils needs. He suggested that the Council take approach of becoming very well versed on what types of resources they have and those they don't have. Then when it comes time to make requests for funding both the Council and the TWDB will be more inline.

C.E. Williams recognized that steps like these had not taken place and therefore the Council did not have the information they needed. Mr. Ward stated that TWDB needs to brief the Council on exactly where they are at on all of the Councils charges. He suggested that the Council ask a couple of other agencies to provide the same type of briefing. This would then provide a ground zero starting point. From this point the Council can then develop a work plan.

Coordination for a Developing a Work Plan

Mr. Ward stated that although the exceptional items for this year did not make it through the session, the TWDB still has a good baseline for water conservation, funding research, and for supporting this Council. He suggested that the Council review the charges and determine what level of coordination it needs with TWDB,

TCEQ, and other agencies in order to accomplish the tasks of a work plan for the next report. The TWDB will then work within their process to accommodate those needs.

It was suggested that the Council may want to line up their work plan schedules or milestones with those of the TWDB's strategic planning process. Mr Ward offered for the TWDB to brief the Council on a complete list of milestones that indicate the key times at which the Council will need to make decisions and coordinate with the TWDB.

Mr. Ward suggested that the Council establish a work plan right from the start on each charge and indicate what they think the TWDB could accomplish. The TWDB can then look into allocating staff for those efforts. Prior to and after the work plans are developed the TWDB should be able to brief the Council on what is available from the budget to fulfill the tasks of the work plan.

Mr. Ward suggested that as the work plans are being developed the Council will have to consider what they can do without a budget. The Council can observe what is being done at the TWDB and what is planning on being done. The Council can then make observations on what they think should be done and provide that feedback. At the end of that process the Council can report on the level of progress that was made. With these steps there will be a better understanding of where the progress will be going in the future.

Council Member Gene Montgomery suggested that the Council should be prepared by summer 2010 with what they want to recommend so that input into the process can be provided at the right time.

Measurement

Mr. Ward pointed out that one area of importance to discuss is that the TWDB and the Council differ on their views of measurement. He felt that the TWDB has taken up a direction that the Council should probably be briefed on, and offered to have TWDB staff brief the Council on the status and direction of measurement. Such briefing should also cover the current and future process of developing metrics and appropriate comparators. Mr. Ward suggested that the Council keep in mind there is a difference in what should be done for planning and what should be done for conservation.

Council Member Gene Montgomery stated that the Water Conservation Implementation Task Force (2004 Report) recognized that implementation and data metrics were a handicap. Now as the Council has made that same observation in its own report it appears that it may be a little unclear as to what else the Council could do to reiterate that point to the TWDB so that progress can move forward. Council members stated that so many of the charges required a level of metrics to be in place in order to do things such as monitor, measure, and track. Mr. Ward suggested that if the Council still feels that it is important to get something done for that effort then maybe they should start scoping out a research project. Comments were made that the Council has already chosen to move forward with what they currently have, which is no funding, and work on a pilot project.

Council Member Greg Carter stated that the Regional Strategy Implementation charge should have some funding put towards that effort as soon as possible if the TWDB can find that within their budget. He also reemphasized that the Council should focus some of their efforts on taking advantage of the research project funding capabilities that the TWDB manages.

Public Awareness

Council Member Carole Baker asked a question relating to the TWDB's available funding for a Texas Association of Broadcasters (TAB) media buy. Carole stated that this media buy would have a significant reach to audiences across Texas as it promotes water conservation. She suggested that funding and support of this particular effort would help the Council fulfill that particular charge. Mr. Ward suggested that the TWDB should fairly soon provide the Council with a briefing on the TWDB's budget for public awareness.

Best Management Practices (BMPs)

C.E. Williams asked Mr. Ward how he would suggest that new BMPs be added to the Guide. Mr. Ward suggested that a brainstorming session take place where TWDB staff can have some time to work and prepare suggestions. Carole Baker commented that the workgroup will want to work with the Alliance for Water Efficiency (AWE) on that task because of the information that they house in their database.

Council Member Gene Montgomery stated that one of the workgroups did indeed develop a process by which BMPs can be added or revised, but that it was still unclear to this Council if that process was ever formerly accepted by TWDB and TCEQ. C.E. Williams stated that in regards to this particular charge the Council would need to know from the TWDB, as well as the TCEQ, if the current recommended process is acceptable and feasible. Mr. Ward stated that the TWDB can look into doing that.

There were some discussions on the term 'Highest Practicable Level of Conservation'. It was stated that in one sense there is a need for it to be defined, and in another sense it is difficult to try and define. Over time that level of highest achievable conservation may change as well as be different for cities of varying sizes.

There were also some discussions on the idea of a model conservation plan. It was suggested that one of the things that should be done is the development of a Water Conservation Model Plan that references the BMP Guide as a toolbox. Mr. Ward stated that perhaps it would be a good opportunity for the TWDB to share some insights about the TWDB Loan program as it relates to the Conservation Plan requirements.

Development of Future Recommendations

Mr. Ward stated that in the future if there is a difference in what the TWDB is willing to ask for and what this Council would like to see, perhaps together we can come up with a way to present it so that it is evident that TWDB is still supportive.

Council Member Gene Montgomery suggested that in the next legislative report the Council should make a recommendation to have their charges updated or revised. Mr. Ward stated that such a recommendation is something for Council to decide, and he

mentioned that along those lines the TWDB does have the ability to endorse necessary and advisable legislation if it so chooses.

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The Council redirected their discussion with Mr. Ward and asked that he give an update on the American Recovery and Reinvestment Act (ARRA) stimulus funding. He stated that TWDB had re-solicited applications for 'Green' projects and the deadline for that was in June. There were at least 80 new projects received and this was all for the "Drinking Water" funding. "Clean Water" funding didn't need to be re-solicited because there were enough applications that met the 'Green' criteria. Recently EPA made a key decision that the "Green" projects had to be purely for the purpose of achieving water conservation and energy savings. TWDB screened and reviewed many of the projects very closely. They gave priority to projects that were "shovel ready". In the event an entity is not able to have their plan ready to go or are unable to bring their plan up to specifications then TWDB will pass them up and go on to the next ready project. For both funds TWDB is going to fund more than what the stimulus is because they want to fund whole projects. A public hearing will be held on Friday 6/12/09 for Clean Water and then TWDB will work on finalizing their grant application to the EPA. Notices will be officially sent out soon after. On the drinking water side, a posting has been put out for public comment and a public hearing.

Council Member Carole Baker brought up a point that the State Energy Conservation Office (SECO) is trying to do an awareness campaign on energy and that they will be getting their funds from the stimulus funds. She asked Mr. Ward to look into that for water conservation, and he said he would look into that.

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The presiding officer invited Kelly Ryla, Texas Commission on Environmental Quality (TCEQ), to provide thoughts on the Council's process of developing their legislative report, as well as some recommendations on how to improve the process. She stated that although TCEQ may be limited as to the extent of their role, that TCEQ is very supportive on the Council's efforts. She emphasized that TCEQ will continue to be involved within the workgroups and would be able to provide some insight into the data reporting aspect. She closed by stating that there were some very good opportunities for TCEQ to receive some direction from the Council's efforts as well as provide some data to the Council.

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The Council then moved on to Carole Baker's status update on legislative activity this session. Some of the bills that relate to water conservation efforts that did not pass include:

- HB 1560 *Aycock* - Relating to the duty of certain municipalities to require an installer of an irrigation system to obtain a permit before installing the system.
- HB2339 *Miller, Sid*- Relating to the regulation of licensed irrigators.
- HB 4299 *Rose* - Relating to rainwater harvesting and other water conservation initiatives.

- HB 2134 *Rios Ybarra & Lucio III* - Relating to the frequency of water audits by certain retail public utilities.
- SB 1714 *Hegar* - Relating to the evidence of beneficial use in the permitting of groundwater.

One bill that did pass was:

- HB 2667 *Ritter & Creighton* - Relating to performance standards for plumbing fixtures sold in this state.

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The Council then received some updates from TWDB staff on the Water IQ program and the Council's on-line survey application. TWDB staff displayed the WaterIQ.org website and reviewed some of its features. It was mentioned that the user agreement was now in place and available. TWDB staff also recapped the features of the on-line survey application and indicated that the survey application should be live by early July 2009.

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The Council then moved on to workgroup chairs for their status update. The majority of the workgroups had decided to postpone their activities until after the legislative session. WG 5 was the only workgroup that elected to have a conference call while the legislative session was taking place:

- WG 5 Water and Energy Efficiency: The workgroup chair had a meeting and discussions with staff of the State Energy Conservation Office to determine the next steps in formulating a cooperative effort. The Council decided that although this was not a primary charge of the legislation that they still wanted to continue having this workgroup to incorporate some overlying messages when it comes time to formulating recommendations.

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The next Council meeting date was set for July 24, 2009. Location for this meeting is now confirmed as at Austin Field Office-Texas Parks and Wildlife Department in Austin, Texas.

Council meeting was adjourned at 1:45 pm.