

LCRA Water Management Plan Revision Process at Texas Commission on Environmental Quality

On March 12, 2012, the LCRA application to amend the Water Management Plan (WMP) was filed with the Texas Commission on Environmental Quality (TCEQ). A regulatory process has now begun that hopefully will culminate in less than a year. The TCEQ process will entail a number of steps and milestones that are briefly described below.

- **Administrative Completeness.** The TCEQ staff will initially review the application to ensure that it is administratively complete with respect to information requirements of the application form, applicable state law and TCEQ regulations, past Commission rulings, and filing fees. There is no specific deadline to complete this determination; however, typical timeframe for a major application is 30 to 90 days. Staff may issue Requests for Information (RFIs) during this step.
- **Technical Review.** The TCEQ staff has up to one year to complete the Technical Review, which includes consideration of hydrology, environmental flows, water rights, and conservation measures. If TCEQ submits RFIs to LCRA, the time it takes for LCRA to respond is added to the one-year timeframe. LCRA is required to respond to RFIs within 30 days or a deadline agreed to by LCRA and TCEQ. LCRA staff will take all necessary measures to expedite the filing of responses.
- **Public Notice of Draft WMP.** Once the Technical Review is completed, the TCEQ Executive Director will provide a draft amended WMP that will be publicly noticed. The draft notice will also be sent to all water right holders in the Colorado River Basin. The public notice will initiate a 30-day comment period during which individuals may request a contested case hearing.
- **Contested Case Hearing.** If there is a request for a contested case hearing, the TCEQ Commissioners may either grant the request and send the matter to the State Office of Administrative Hearings (SOAH) or deny the request and act on the WMP revisions. Should the Commissioners grant a contested case hearing, this will obviously prolong the process.
- **Issuance of the Final WMP.** If there are no requests for a contested case hearing the Executive Director may act on the application and issue it final. If a request for a contested case hearing is denied, the Commissioners will take action on the WMP at an open TCEQ Agenda meeting. If the matter goes to contested hearing at SOAH then the Commissioners will take into consideration the Administrative Law Judge's proposal for decision (PFD).