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Former Rio Grande Watermaster Named TCEQ Commissioner

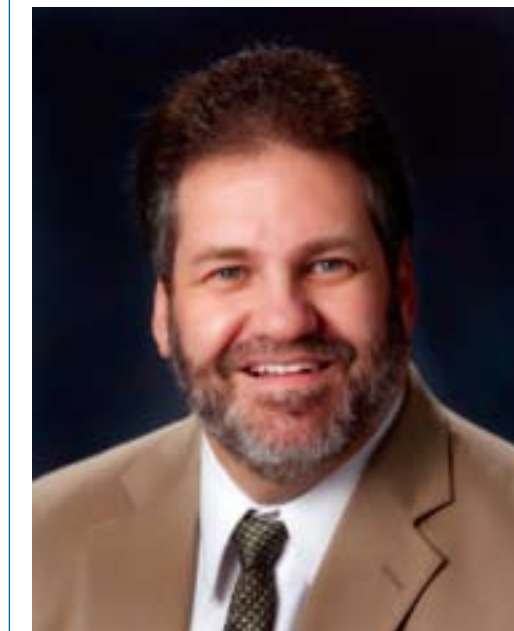
IN AUGUST, GOV. RICK PERRY APPOINTED CARLOS RUBINSTEIN TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). AS THE FORMER CITY MANAGER OF BROWNSVILLE AND RIO GRANDE WATERMASTER, HE IS VERY FAMILIAR WITH WATER ISSUES IN THE RIO GRANDE VALLEY AND THE COMPLEXITIES OF THE AREA'S RELATIONSHIP WITH MEXICO.

Rubinstein's experience in the region, combined with that of Commissioner Buddy Garcia (former chief of staff for State Sen. Eddie Lucio and former Assistant Secretary of State), means that two of the three TCEQ commissioners have strong connections to the Rio Grande Valley. Commissioner Rubinstein shares his priorities with *Texas Water News* readers:

drought has taught us this summer, when looking at the possibility of running out of water, almost everything else pales in comparison. Personally, I think air quality across the state, but especially in our large urban areas, will continue to be a challenge. We have made some tremendous progress in metropolitan areas such as the Dallas-Fort Worth and the Houston-Galveston areas, but as those areas grow, more people and more vehicles will exacerbate the problem.

Q: What is the most pressing environmental issue in Texas?

A: The answer to this question depends a lot on where you live. If, for example, you live in Houston, then the quality of the air you and your family breathe ranks as the number one most important environmental issue. But, for residents in the Rio Grande Valley, water availability and water quality are their major concerns. Water is the key to everything in the Valley. It is the lifeblood of the region, including farming and ranching operations, municipalities, economic development projects, recreation, and other activities. In fact, as the



Q: In what area do you hope to make the biggest impact as a TCEQ Commissioner?

A: I believe that my experience in the TCEQ's regional offices, which are located across the state, gave me first-hand knowledge of working directly on the type of issues that affect residents day to day. Ultimately, these previous jobs will help make me a good Commissioner. I learned some valuable lessons working on the front line and I will use that knowledge to make good decisions. I understand the importance of timely and effective delivery of service to

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our customers. I also strongly believe that we can balance environmental protection and strong economic growth if we make decisions based on the law, science, and common sense equally. I will continue to focus on our relationship with Mexico, as I did with my most recent experience in water management and environmental issues along the border, showing that we can work together to resolve the challenges for which both countries share responsibility.

Q: How will your background as the Rio Grande Watermaster influence you as a commissioner?

A: Rarely are we afforded an opportunity to work on issues, such as the water debt, that can in many ways help define your efforts in public service. So, those negotiations and discussions leading to successful repayment of all water owed to the U.S. by Mexico, and more importantly the various ways we partnered with water users to best manage our scarce resource during those tough times, will have much influence in decisions I will have to make regarding active water management state wide.

Q: With ongoing drought conditions across Texas, do you think Watermaster operations, or something similar, could be duplicated in other areas of the state?

A: Yes. But as we have learned from other areas where we have established Watermaster programs, this needs to take place concurrent with a clearly demonstrated and verified threat to senior water right holders, as well as an area's desire to better manage its surface water.

Q: If you could share one little-known fact about the Rio Grande Valley with the rest of the state, what would that be?

A: It is difficult for me to think of anything in the Rio Grande Valley as a "little-known fact." Having lived there most all my life, it is all second nature to me. It is, at the end of the day, home. But for those who know little of the area, you will find in the Valley a great sense of community, a dedication to get things done. Personally, the way we manage water in the Rio Grande, unlike anywhere else in the country, remains a "little-known fact" and one of the issues I most like to brag about when speaking about my home.

WHITE NAMED DIRECTOR OF ENGINEERING FOR NRS AND BEFESA WATERBUILD

BY BILL NORRIS



July was a banner month for NRS' Jacob M. White. First and foremost, he became a father when son Maxwell was born on the 6th. Jake also passed the State of Texas' professional engineering exam, so after several years of hard work, he has earned the right to put the initials "PE." behind his name. Congratulations to Jake for these two major accomplishments and congratulations to his wife, Laura, for doing all the real work.

Jake and Laura are originally from Kansas, where they graduated from Kansas State University. Jake has

worked for NRS since his graduation, making lots of friends in the Rio Grande Valley and across the state through his dedication to the profession, but more importantly, his dedication to people.

Even though he's still young, Jake has been able to handle many things that are not taught in school, like the nuances of dealing with elected officials and the general public. Jake is able to explain technical details in layman's terms so that others can understand the projects he designs.

Jake's experience at NRS includes serving as project manager for the 700 cfs pumping plant for Cameron County Irrigation District No. 2. The project was completed 8 months ahead of schedule and \$3 million under budget. Jake was the lead engineer for both of the state's seawater desalination pilot plants, and many of the brackish desalination efforts in South Texas. Currently, Jake provides planning services for the Rio Grande Regional Water Planning Group as it develops a new regional water plan. In November, he will present a technical paper to the International Desalination Association's World Congress in Dubai.

One of Jake's greatest traits, to which many of us can attest, is his flair for style. Whether it's a bow tie, plaid pants, or white buck shoes, we know Jake will be making a fashion statement wherever he goes. A great sense of humor and an all around good guy makes Jake a "champion" for NRS. We're proud of you, Jake!



Befesa Awarded China's Qingdao Project

Befesa, through its subsidiary Befesa Agua, has completed the financing to design, build, and operate for 25 years a seawater desalination plant in Qingdao, China. Located in the northern province of Shandong, Qingdao is home to one of the country's largest commercial ports.

The Qingdao project will pre-treat seawater with ultrafiltration membranes before using reverse osmosis to remove salts and other impurities. The plant will have the capacity to produce 100,000 cubic meters of water per day (22 mgd), enough to supply drinking water for 500,000 people.

Sunset Commission to Review Key Water Agencies in 2010-2011

THE SUNSET ADVISORY COMMISSION (SAC) WILL PUT 29 STATE AGENCIES UNDER A MICROSCOPE DURING THIS LEGISLATIVE INTERIM, INCLUDING THE TWO THAT WIELD THE MOST INFLUENCE OVER WATER ISSUES IN THE STATE - THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND THE TEXAS WATER DEVELOPMENT BOARD (TWDB).

According to the SAC website, "the Texas Legislature created the Sunset Advisory Commission in 1977 to identify and eliminate waste, duplication, and inefficiency in government agencies. The 12-member Commission reviews the policies and programs of more than 150 state agencies and questions the need for each agency; looks for duplication of other public services or programs; and considers changes to improve each agency's operations and activities." The Sunset Commission is currently chaired by Rep. Carl Isett (R-Lubbock), but there are several vacancies that will soon be filled by Speaker Joe Straus and Lt. Gov. David Dewhurst.

Each agency must complete a self-evaluation form, and the TWDB's is due at the end of September. In its draft self-evaluation, the TWDB said it could do a better job with the following legislative changes:

- Increase its constitutional authority to issue general obligation to \$6 billion;
- Remove the cap on the Executive Administrator's salary and allow the board more flexibility in setting the salary;
- Allow the agency to provide its own computer data center, instead of being required to work with the state's contractor;

The project's financing is a first for China, with a syndicate of four Chinese banks agreeing to partner with Befesa to invest 94.5 million euros (\$138.6 million) in the project. The plant will earn an estimated 654 million euros (\$959 million) from the sale of water during the 25 years Befesa holds the concession to operate it.

The chairman of Befesa, Javier Molina, said, "This operation confirms Befesa's ability to continue to finance the development of important infrastructure projects in a highly complicated environment due to the global crisis. It also demonstrates our strategic commitment to being the leading desalination company."

Befesa was named "Desalination Company of the Year" in April of 2009 by *Global Water Intelligence* magazine.

In the United States, Befesa offers services through NRS Consulting Engineers and Befesa WaterBuild.

BEFESA
WaterBuild

- Eliminate unreasonable restrictions on the voluntary transfer of surface water from one basin to another; and
- Provide a mechanism to acquire legislatively-designated unique sites for the construction of reservoirs.

The TCEQ's self-evaluation form is not due until the end of October.

After the agencies submit their self-evaluations, Sunset Commission employees will interview agency staff, stakeholders, and other interested individuals before writing a staff report. Then there will be public hearings before the SAC makes recommendations to the legislature in a final report.

In rare cases, the abolishment of an agency may be recommended, but usually the review leads to legislation aimed at streamlining agency functions. The TWDB is hopeful it will continue. "The increased funding and responsibility given to the TWDB in recent legislative sessions speaks to the agency's effectiveness and efficiency," it said in its self-evaluation. "Additionally, the demand for the TWDB's financial assistance programs is at an unprecedented level."

Groundwater Issues BUBBLING UP

Groundwater management areas (GMAs) have one year left to define their "desired future conditions" (DCF) and submit that information to the state. While many are working hard to meet the September 1, 2010 deadline, only 4 of the 16 GMAs have done so.

According to the TWDB, a desired future condition is "essentially a management goal that defines the philosophy and policy of groundwater management in a defined area. More specifically, a desired future condition is the desired, quantified condition of a relevant aquifer (such as groundwater level, groundwater storage volume, or spring flow) at a specified time in the future." The DFCs are then used by TWDB staff to calculate managed available groundwater values, which must be used by regional water planning groups in determining their water management strategies.

Because aquifers don't follow normal, above-ground boundary lines, groundwater conservation districts can have different management goals for the same aquifer, which can cause confusion. For that reason, Senate Natural Resources Committee Chairman Kip Averitt recently requested an Attorney General's opinion (RQ-0817-GA) on behalf of Sen. Carlos Uresti regarding the jurisdiction of certain groundwater conservation districts that were created by the legislature after landowners had petitioned to join other groundwater conservation districts.

At the Texas Supreme Court, two contentious lawsuits are currently pending that could impact groundwater conservation districts' ability to manage water supplies - *Edwards Aquifer Authority and the State of Texas v. Day and McDaniel* (Case No. 08-0964) and *City of Del Rio v. Clayton Sam Hamilton Trust* (Case No. 08-0755). Both cases involve questions about whether or not property owners have legal rights to capture and sell water below their land.

Managing limited underground water supplies will only become more important as our state's population grows, which is why Texas created groundwater conservation districts in the first place.