

Rainwater Harvesting in the Laws and Codes of Texas



Prepared by

Robert E. Mace, Ph.D., P.G., and Ishrat Ritu

The Meadows Center for Water and the Environment, Texas State University

July 2026



THE MEADOWS CENTER
FOR WATER AND THE ENVIRONMENT

TEXAS STATE UNIVERSITY

MEMBER **THE TEXAS STATE UNIVERSITY SYSTEM**

Technical Note 26-001

Rainwater Harvesting in the Laws and Codes of Texas

Prepared by

Robert E. Mace, Ph.D., P.G., and Ishrat Ritu

The Meadows Center for Water and the Environment, Texas State University

July 2026



THE MEADOWS CENTER
FOR WATER AND THE ENVIRONMENT

TEXAS STATE UNIVERSITY

601 University Drive, San Marcos Texas 78666

512.245.9200 | MeadowsCenter@txstate.edu | www.meadowscenter.txst.edu

MEMBER **THE TEXAS STATE UNIVERSITY SYSTEM**

Contents

Introduction	5
Texas Statutes	6
Education Code Chapter 51. Provisions Generally Applicable to Higher Education.....	6
Finance Code Chapter 59. Miscellaneous Provisions.....	6
Government Code Chapter 447. State Energy Conservation Office	6
Health and Safety Code Chapter 341. Minimum Standards of Sanitation and Health Protection Measures	8
Local Government Code Chapter 302. Energy Savings Performance Contracts for Local Governments	11
Local Government Code Chapter 580. Miscellaneous Provisions Relating to Municipal and County Water.....	13
Occupations Code Chapter 1301. Plumbers.....	14
Property Code Chapter 5. Conveyances	14
Property Code Chapter 202. Construction and Enforcement of Restrictive Covenants.....	15
Special District Local Laws Code Chapter 3858. Driftwood Economic Development Municipal Management District	17
Special District Local Laws Code Chapter 8838. Cow Creek Groundwater Conservation District.....	18
Special District Local Laws Code Chapter 8875. Comal Trinity Groundwater Conservation District.....	19
Tax Code Chapter 11. Taxable Property and Exemptions	19
Tax Code Chapter 151. Limited Sales, Excise, and Use Tax.....	19
Water Code Chapter 1. General Provisions.....	20
Water Code Chapter 11. Water Rights.....	21
Water Code Chapter 27. Injection Wells.....	22
Water Code Chapter 36. Groundwater Conservation Districts.....	22
Texas Code	23
Title 22: Examining Boards, Part 17: Texas State Board of Plumbing Examiners, Chapter 363: Examination, Rule §363.11: Water Supply Protection Specialist Endorsement	23
Title 22: Examining Boards, Part 17: Texas State Board of Plumbing Examiners, Chapter 365: Licensing and Registration, Rule §365.1: License, Endorsement and Registration Categories; Scope of Work Permitted	23

Title 22: Examining Boards, Part 17: Texas State Board of Plumbing Examiners, Chapter 365: Licensing and Registration, Rule §365.20: Course Instructors for Continuing Professional Education and Training Programs	26
Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 21: Water Quality Fees, Rule §21.2: Definitions and Abbreviations.....	27
Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 106: Permits by Rule, Subchapter P: Plant Operations, Rule §106.371: Cooling Water Units	28
Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 210: Use of Reclaimed Water, Subchapter F: Use of Graywater Systems, Rule §210.82: Definitions and General Requirements	28
Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 210: Use of Reclaimed Water, Subchapter F: Use of Graywater Systems, Rule §210.83: Residential Use of Graywater and Alternative Onsite Water	31
Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 210: Use of Reclaimed Water, Subchapter F: Use of Graywater Systems, Rule §210.84: Industrial, Commercial, or Institutional Use of Graywater and Alternative Onsite Water	34
Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 210: Use of Reclaimed Water, Subchapter F: Use of Graywater Systems, Rule §210.85: Agricultural Use of Graywater and Alternative Onsite Water	36
Title 31: Natural Resources and Conservation, Part 10: Texas Water Development Board, Chapter 356: Groundwater Management, Subchapter E: Groundwater Management Plan Approval, Rule §356.52: Required Content of Management Plan	38
Title 31: Natural Resources and Conservation, Part 10: Texas Water Development Board, Chapter 357: Regional Water Planning, Subchapter C: Planning Activities for Needs Analysis and Strategy Recommendations, Rule §357.34: Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects	40
Title 34: Public Finance, Part 1: Comptroller of Public Accounts, Chapter 3: Tax Administration, Subchapter O: State and Local Sales and Use Taxes, Rule §3.318: Water-Related Exemptions (Tax Code, §§151.314, 151.315, and 151.355).....	45

Introduction

As surface water and groundwater become more overprescribed, building-scale sources of water are gaining interest to conserve, supplement, or even replace more traditional supplies. One source of building-scale water is rainwater harvesting, which is the collection, treatment, and use of water collected from rooftops. The Texas Legislature has recognized the importance of rainwater harvesting as a supply by encouraging its implementation and by incentivizing and protecting homeowners who install rainwater harvesting systems.

The purpose of this technical note is to document, in one place, the state laws and codes in Texas that directly relate to rainwater harvesting. We intend to make it easier for readers to quickly understand, or be reminded of, how rainwater harvesting is considered in state statutes and agency rules. We also intend to update this document after each legislative session to include any changes to statutes and any subsequent changes to agency rules.

To compile these statutes and rules, we queried the state's digital repository of statutes (statutes.capitol.texas.gov/) and the state's digital repository of rules (tex-as-sos.appianportalsgov.com/rules-and-meetings?interface=SEARCH_TAC) for the word "rainwater." We reviewed the search results and included only those that relate to rainwater harvesting (that is, we did not include statutes and rules focused on rainwater runoff and pollution control). We included legislative citations where convenient and, in some cases, included larger parts of the code to better place our extractions into context. We copied and pasted all text as it appears in the statutes and codes but kept the word "**rainwater**" bolded and in red to facilitate quick review. We present statutes in alphabetical order by chapter title and then by number. We present rules in numerical order by code title and then by rule number.

Although it does not explicitly mention rainwater, we included Tax Code Chapter 11, Taxable Property and Exemptions, because it relates to rainwater harvesting equipment and installation. Although there surely are other parts of statutes and rules that indirectly relate to rainwater harvesting, we have not attempted to include them. Please visit with your favorite attorney or permitter for additional information. There may also be other local requirements, so please check local regulations and with local authorities.

This technical note is for informational purposes only. We encourage users to always refer to the original statutes and rules for any serious decision-making. While we have striven to make the content in this document as accurate and up to date as possible, we make no guarantees.

For the current document, we conducted our search on December 1, 2025.

Texas Statutes

EDUCATION CODE CHAPTER 51. PROVISIONS GENERALLY APPLICABLE TO HIGHER EDUCATION

- **Sec. 51.972. ON-SITE RECLAIMED SYSTEM TECHNOLOGIES CURRICULUM.**
The Texas Higher Education Coordinating Board shall encourage each institution of higher education to develop curriculum and provide related instruction regarding on-site reclaimed system technologies, including **rainwater** harvesting, condensate collection, or cooling tower blow down.
 - Added by Acts 2007, 80th Leg., R.S., Ch. 1352 (H.B. 4), Sec. 9, eff. June 15, 2007.
 - Added by Acts 2007, 80th Leg., R.S., Ch. 1430 (S.B. 3), Sec. 2.25, eff. September 1, 2007.
 - Renumbered from Education Code, Section 51.969 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(8), eff. September 1, 2009.

FINANCE CODE CHAPTER 59. MISCELLANEOUS PROVISIONS

- **Sec. 59.012. LOANS FOR DEVELOPMENTS THAT USE HARVESTED **RAINWATER**.**
Financial institutions may consider making loans for developments that will use harvested rainwater as the sole source of water supply.
 - Added by Acts 2011, 82nd Leg., R.S., Ch. 1311 (H.B. 3391), Sec. 1, eff. September 1, 2011.

GOVERNMENT CODE CHAPTER 447. STATE ENERGY CONSERVATION OFFICE

- **Sec. 447.004. DESIGN STANDARDS.**
 - (c) Any procedural standard established under this section must be directed toward specific design and building practices that produce good thermal resistance and low infiltration and toward requiring practices in the design of mechanical and electrical systems that maximize energy and water efficiency. The procedural standards must address, as applicable:
 - (1) insulation;
 - (2) lighting;
 - (3) ventilation;
 - (4) climate control;
 - (5) water-conserving fixtures, appliances, and equipment or the substitution of non-water-using fixtures, appliances, and equipment;
 - (6) water-conserving landscape irrigation equipment;

- (7) landscaping measures that reduce watering demands and capture and hold applied water and rainfall, including:
 - * (A) landscape contouring, including the use of berms, swales, and terraces; and
 - * (B) the use of soil amendments that increase the water-holding capacity of the soil, including compost;
 - (8) **rainwater** harvesting equipment and equipment to make use of water collected as part of a storm-water system installed for water quality control;
 - (9) equipment for recycling or reusing water originating on the premises or from other sources, including treated municipal effluent;
 - (10) equipment needed to capture water from nonconventional, alternate sources, including air conditioning condensate or graywater, for nonpotable uses;
 - (11) metering equipment needed to segregate water use in order to identify water conservation opportunities or verify water savings;
 - (12) special energy requirements of health-related facilities of higher education and state agencies; and
 - (13) any other item that the state energy conservation office considers appropriate.
- (c-1) The procedural standards adopted under this section must require that:
 - (1) on-site reclaimed system technologies, including **rainwater** harvesting, condensate collection, or cooling tower blow down, or a combination of those system technologies, for potable and nonpotable indoor and outdoor water use be incorporated into the design and construction of:
 - * (A) each new state building with a roof area measuring at least 10,000 square feet; and
 - * (B) any other new state building for which the incorporation of such systems is feasible; and
 - (2) **rainwater** harvesting system technology for potable and nonpotable indoor and outdoor water use be incorporated into the design and construction of each new state building with a roof area measuring at least 50,000 square feet that is located in an area of this state in which the average annual rainfall is at least 20 inches.
 - (c-2) The procedural standards required by Subsection (c-1) do not apply to a building if the state agency or institution of higher education constructing the building:
 - (1) determines that compliance with those standards is impractical; and

- (2) notifies the state energy conservation office of the determination and provides to the office documentation supporting the determination.
- (c-3) The procedural standards required by Subsection (c-1)(2) apply to a building described by that subdivision unless Subsection (c-2) applies or the state agency or institution of higher education constructing the building provides the state energy conservation office evidence that the amount of **rainwater** that will be harvested from one or more existing buildings at the same location is equivalent to the amount of **rainwater** that could have been harvested from the new building had **rainwater** harvesting system technology been incorporated into its design and construction.
- (d) A state agency or an institution of higher education shall submit a copy of its design and construction manuals to the state energy conservation office as the office considers necessary to demonstrate compliance by the agency or institution with the standards established under this section.

HEALTH AND SAFETY CODE CHAPTER 341. MINIMUM STANDARDS OF SANITATION AND HEALTH PROTECTION MEASURES

- **Sec. 341.039. STANDARDS FOR GRAYWATER AND ALTERNATIVE ONSITE WATER.**
 - (a) The commission by rule shall adopt and implement minimum standards for the indoor and outdoor use and reuse of treated graywater and alternative onsite water for:
 - (1) irrigation and other agricultural purposes;
 - (2) domestic use, to the extent consistent with Subsection (c);
 - (3) commercial purposes; and
 - (4) industrial purposes.
 - (a-1) The standards adopted by the commission under Subsection (a)(2) must allow the use of graywater and alternative onsite water for toilet and urinal flushing.
 - (b) The standards adopted by the commission under Subsection (a) must assure that the use of graywater or alternative onsite water is not a nuisance and does not threaten human health or damage the quality of surface water and groundwater in this state.
 - (b-1) The commission by rule may adopt and implement rules providing for the inspection and annual testing of a graywater or alternative onsite water system by the commission.
 - (b-2) The commission shall develop and make available to the public a regulatory guidance manual to explain the rules adopted under this section.

- (c) The commission may not require a permit for the domestic use of less than 400 gallons of graywater or alternative onsite water each day if the water:
 - (1) originates from a private residence;
 - (2) is used by the occupants of that residence for gardening, composting, landscaping, or indoor use as allowed by rule, including toilet or urinal flushing, at the residence;
 - (3) is collected using a system that may be diverted into a sewage collection or on-site wastewater treatment and disposal system;
 - (4) is, if required by rule, stored in surge tanks that:
 - * (A) are clearly labeled as nonpotable water;
 - * (B) restrict access, especially to children; and
 - * (C) eliminate habitat for mosquitoes and other vectors;
 - (5) uses piping clearly identified as a nonpotable water conduit, including identification through the use of purple pipe, purple tape, or similar markings;
 - (6) is generated without the formation of ponds or pools of graywater or alternative onsite water;
 - (7) does not create runoff across the property lines or onto any paved surface; and
 - (8) is distributed by a surface or subsurface system that does not spray into the air.
- (d) Each builder is encouraged to:
 - (1) install plumbing in new housing in a manner that provides the capacity to collect graywater or alternative onsite water from all allowable sources; and
 - (2) design and install a subsurface graywater or alternative onsite water system around the foundation of new housing in a way that minimizes foundation movement or cracking.
- (e) In this section:
 - (1) “Alternative onsite water” means **rainwater**, air-conditioner condensate, foundation drain water, storm water, cooling tower blowdown, swimming pool backwash and drain water, reverse osmosis reject water, or any other source of water considered appropriate by the commission.
 - (2) “Graywater” means wastewater from clothes-washing machines, showers, bathtubs, hand-washing lavatories, and sinks that are not used for disposal of hazardous or toxic ingredients. The term does not include wastewater:

- * (A) that has come in contact with toilet waste;
 - * (B) from the washing of material, including diapers, soiled with human excreta; or
 - * (C) from sinks used for food preparation or disposal.
- Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 233, Sec. 2, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 11.16, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 689, Sec. 2, eff. Sept. 1, 2003.
- Amended by:
 - Acts 2015, 84th Leg., R.S., Ch. 545 (H.B. [1902](#)), Sec. 1, eff. June 16, 2015.
- Sec. 341.042. STANDARDS FOR HARVESTED **RAINWATER**.
 - (a) The commission shall establish recommended standards relating to the domestic use of harvested **rainwater**, including health and safety standards for treatment and collection methods for harvested **rainwater** intended for drinking, cooking, or bathing.
 - (b) The commission by rule shall provide that if a structure has a **rainwater** harvesting system and uses a public water supply for an auxiliary water source, the structure must have appropriate cross-connection safeguards.
 - (b-1) A privately owned **rainwater** harvesting system with a capacity of more than 500 gallons that has an auxiliary water supply shall have a backflow prevention assembly or an air gap installed at the storage facility for the harvested **rainwater** to ensure physical separation between the **rainwater** harvesting system and the auxiliary water supply. A **rainwater** harvesting system that meets the requirements of this subsection is considered connected to a public water supply system only for purposes of compliance with minimum water system capacity requirements as determined by commission rule.
 - (b-2) A person who installs and maintains **rainwater** harvesting systems that are connected to a public water supply system and are used for potable purposes must be licensed by the Texas State Board of Plumbing Examiners as a master plumber or journeyman plumber and hold an endorsement issued by the board as a water supply protection specialist.
 - (b-3) A person who intends to use a public water supply system as an auxiliary water source must give written notice of that intention to the municipality in which the **rainwater** harvesting system is located or the owner or operator of the public water supply system. The public water supply system used as an auxiliary water source may be connected only to the water storage tank and may not be connected to the plumbing of a structure.
 - (b-4) A municipally owned water or wastewater utility, a municipality, or the owner or operator of a public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by a **rainwater** harvesting system that is connected to a public water supply system and is used for potable purposes if the municipally owned water or wastewater utility, municipality, or public water supply system is in compliance

with the sanitary standards for drinking water applicable to the municipally owned water or wastewater utility, municipality, or public water supply system.

- (b-5) A municipality or the owner or operator of a public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by a **rainwater** harvesting system that uses a public water supply system or an auxiliary water source and is used for potable purposes if the municipality or the public water supply system is in compliance with the sanitary standards for drinking water adopted by the commission and applicable to the municipality or public water supply system.
- (c) Standards and rules adopted by the commission under this chapter governing public drinking water supply systems do not apply to a person:
 - (1) who harvests **rainwater** for domestic use; and
 - (2) whose property is not connected to a public drinking water supply system.
- Added by Acts 2005, 79th Leg., Ch. 627 (H.B. [2430](#)), Sec. 2, eff. June 17, 2005.
- Amended by:
 - Acts 2007, 80th Leg., R.S., Ch. 1352 (H.B. [4](#)), Sec. 11, eff. June 15, 2007.
 - Acts 2007, 80th Leg., R.S., Ch. 1430 (S.B. [3](#)), Sec. 2.28, eff. September 1, 2007.
 - Acts 2011, 82nd Leg., R.S., Ch. 349 (H.B. [3372](#)), Sec. 1, eff. September 1, 2011.
 - Acts 2011, 82nd Leg., R.S., Ch. 1240 (S.B. [1073](#)), Sec. 1, eff. September 1, 2011.
 - Acts 2011, 82nd Leg., R.S., Ch. 1311 (H.B. [3391](#)), Sec. 3, eff. September 1, 2011.
 - Acts 2013, 83rd Leg., R.S., Ch. 695 (H.B. [2781](#)), Sec. 2, eff. September 1, 2013.
 - Acts 2013, 83rd Leg., R.S., Ch. 695 (H.B. [2781](#)), Sec. 3, eff. September 1, 2013.
 - Acts 2013, 83rd Leg., R.S., Ch. 695 (H.B. [2781](#)), Sec. 4, eff. September 1, 2013.
 - Acts 2013, 83rd Leg., R.S., Ch. 695 (H.B. [2781](#)), Sec. 8, eff. September 1, 2013.

LOCAL GOVERNMENT CODE CHAPTER 302. ENERGY SAVINGS PERFORMANCE CONTRACTS FOR LOCAL GOVERNMENTS

- Sec. 302.001. DEFINITIONS. In this chapter:
 - (4) “Energy savings performance contract” means a contract with a provider for energy or water conservation or usage measures in which the estimated energy

savings, utility cost savings, increase in billable revenues, or increase in meter accuracy resulting from the measures is subject to guarantee to offset the cost of the energy or water conservation or usage measures over a specified period. The term does not include the design or new construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project. The term includes a contract related to the pilot program described by Subdivision (9-a) and a contract for the installation or implementation of the following in new or existing facilities, including all causally connected work:

- (A) insulation of a building structure and systems within the building;
- (B) storm windows or doors, caulking or weather stripping, multi-glazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption;
- (C) automatic energy control systems, including computer software and technical data licenses;
- (D) heating, ventilating, or air-conditioning system modifications or replacements that reduce energy or water consumption;
- (E) lighting fixtures that increase energy efficiency;
- (F) energy recovery systems;
- (G) electric systems improvements;
- (H) water-conserving fixtures, appliances, and equipment or the substitution of non-water-using fixtures, appliances, and equipment;
- (I) water-conserving landscape irrigation equipment;
- (J) landscaping measures that reduce watering demands and capture and hold applied water and rainfall, including:
 - * (i) landscape contouring, including the use of berms, swales, and terraces; and
 - * (ii) the use of soil amendments that increase the water-holding capacity of the soil, including compost;
- (K) **rainwater** harvesting equipment and equipment to make use of water collected as part of a storm-water system installed for water quality control;
- (L) equipment for recycling or reuse of water originating on the premises or from other sources, including treated municipal effluent;
- (M) equipment needed to capture water from nonconventional, alternate sources, including air-conditioning condensate or graywater, for nonpotable uses;
- (N) metering or related equipment or systems that improve the accu-

racy of billable-revenue-generation systems;

- (O) alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles;
- (P) programs resulting in utility cost savings; or
- (Q) other energy or water conservation-related improvements or equipment, including improvements or equipment relating to renewable energy or nonconventional water sources or water reuse.

LOCAL GOVERNMENT CODE CHAPTER 580. MISCELLANEOUS PROVISIONS RELATING TO MUNICIPAL AND COUNTY WATER

- **Sec. 580.004. *RAINWATER* HARVESTING.**

- (a) Each municipality and county is encouraged to promote *rainwater* harvesting at residential, commercial, and industrial facilities through incentives such as the provision at a discount of rain barrels or rebates for water storage facilities.
- (b) The Texas Water Development Board shall ensure that training on *rainwater* harvesting is available for the members of the permitting staffs of municipalities and counties at least quarterly. Each member of the permitting staff of each county and municipality located wholly or partly in an area designated by the Texas Commission on Environmental Quality as a priority groundwater management area under Section [35.008](#), Water Code, whose work relates directly to permits involving *rainwater* harvesting and each member of the permitting staff of each county and municipality with a population of more than 10,000 whose work relates directly to permits involving *rainwater* harvesting must receive appropriate training regarding *rainwater* harvesting standards and their relation to permitting at least once every five years. Members of the permitting staffs of counties and municipalities not located wholly or partly in an area designated by the Texas Commission on Environmental Quality as a priority groundwater management area under Section [35.008](#), Water Code, whose work relates directly to permits involving *rainwater* harvesting and members of the permitting staffs of counties and municipalities with a population of 10,000 or less whose work relates directly to permits involving *rainwater* harvesting are encouraged to receive the training. The Texas Water Development Board may provide appropriate training by seminars or by videotape or functionally similar and widely available media without cost.
- (c) A municipality or county may not deny a building permit solely because the facility will implement *rainwater* harvesting. However, a municipality or county may require that a *rainwater* harvesting system comply with the minimum state standards established for such a system.
- (d) Each school district is encouraged to implement *rainwater* harvesting at facilities of the district.

- Added by Acts 2011, 82nd Leg., R.S., Ch. 1311 (H.B. [3391](#)), Sec. 4, eff. September 1, 2011.
- Amended by:
 - Acts 2013, 83rd Leg., R.S., Ch. 695 (H.B. [2781](#)), Sec. 5, eff. September 1, 2013.

OCCUPATIONS CODE CHAPTER 1301. PLUMBERS

- **Sec. 1301.002. DEFINITIONS. In this chapter:**
 - (11) “Water supply protection specialist” means a person who holds an endorsement issued by the board to engage in:
 - (A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and
 - (B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of **rainwater** to supply a plumbing fixture or appliance.
 - (12) “Water treatment” means a business conducted under contract that requires ability, experience, and skill in analyzing water to determine how to treat influent and effluent water to change or purify the water or to add or remove minerals, chemicals, or bacteria. The term does not include treatment of **rainwater** or the repair of systems for **rainwater** harvesting. The term includes:
 - (A) installing and servicing fixed or portable water treatment equipment in a public or private water treatment system; or
 - (B) making connections necessary to install a water treatment system.
- **Sec. 1301.053. WORK INCIDENTAL TO OTHER PROFESSIONS.**
 - (a) A person is not required to be licensed under this chapter to perform:
 - (5) water treatment installations, exchanges, services, or repairs, other than the treatment of **rainwater** to supply a plumbing fixture or appliance.

PROPERTY CODE CHAPTER 5. CONVEYANCES

- **Sec. 5.008. SELLER’S DISCLOSURE OF PROPERTY CONDITION.**
 - (a) A seller of residential real property comprising not more than one dwelling unit located in this state shall give to the purchaser of the property a written notice as prescribed by this section or a written notice substantially similar to the notice prescribed by this section which contains, at a minimum, all of the items in the notice prescribed by this section.
 - (b) The notice must be executed and must, at a minimum, read substantially similar to the following:
 - 9. Are you (Seller) aware of any of the following?
 - * Write Yes (Y) if you are aware, write No (N) if you are not

aware.

- __ Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at that time.
- __ Homeowners' Association or maintenance fees or assessments.
- __ Any "common area" (facilities such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others.
- __ Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.
- __ Any lawsuits directly or indirectly affecting the Property.
- __ Any condition on the Property which materially affects the physical health or safety of an individual.
- __ Any **rainwater** harvesting system located on the property that is larger than 500 gallons and that uses a public water supply as an auxiliary water source.
- __ Any portion of the property that is located in a groundwater conservation district or a subsidence district.

* If the answer to any of the above is yes, explain. (Attach additional sheets if necessary):

PROPERTY CODE CHAPTER 202. CONSTRUCTION AND ENFORCEMENT OF RESTRICTIVE COVENANTS

- **Sec. 202.007. CERTAIN RESTRICTIVE COVENANTS PROHIBITED.**
 - (a) A property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from:
 - (1) implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;
 - (2) installing rain barrels or a **rainwater** harvesting system;
 - (3) implementing efficient irrigation systems, including underground drip or other drip systems; or
 - (4) using drought-resistant landscaping or water-conserving natural turf.

- (b) A provision that violates Subsection (a) is void.
- (c) A property owners' association may restrict the type of turf used by a property owner in the planting of new turf to encourage or require water-conserving turf.
- (d) This section does not:
 - (1) restrict a property owners' association from regulating the requirements, including size, type, shielding, and materials, for or the location of a composting device if the restriction does not prohibit the economic installation of the device on the property owner's property where there is reasonably sufficient area to install the device;
 - (2) require a property owners' association to permit a device described by Subdivision (1) to be installed in or on property:
 - * (A) owned by the property owners' association;
 - * (B) owned in common by the members of the property owners' association; or
 - * (C) in an area other than the fenced yard or patio of a property owner;
 - (3) prohibit a property owners' association from regulating the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes;
 - (4) prohibit a property owners' association from regulating the installation or use of gravel, rocks, or cacti;
 - (5) restrict a property owners' association from regulating yard and landscape maintenance if the restrictions or requirements do not restrict or prohibit turf or landscaping design that promotes water conservation;
 - (6) require a property owners' association to permit a rain barrel or **rainwater** harvesting system to be installed in or on property if:
 - * (A) the property is:
 - (i) owned by the property owners' association;
 - (ii) owned in common by the members of the property owners' association; or
 - (iii) located between the front of the property owner's home and an adjoining or adjacent street; or
 - * (B) the barrel or system:
 - (i) is of a color other than a color consistent with the color scheme of the property owner's home; or
 - (ii) displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured;

- (7) restrict a property owners' association from regulating the size, type, and shielding of, and the materials used in the construction of, a rain barrel, **rainwater** harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if:
 - * (A) the restriction does not prohibit the economic installation of the device or appurtenance on the property owner's property; and
 - * (B) there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance; or
- (8) prohibit a property owners' association from requiring an owner to submit a detailed description or a plan for the installation of drought-resistant landscaping or water-conserving natural turf for review and approval by the property owners' association to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in the subdivision.
- (d-1) A property owners' association may not unreasonably deny or withhold approval of a proposed installation of drought-resistant landscaping or water-conserving natural turf under Subsection (d)(8) or unreasonably determine that the proposed installation is aesthetically incompatible with other landscaping in the subdivision.
- (e) This section does not apply to a property owners' association that:
 - (1) is located in a municipality with a population of more than 175,000 that is located in a county in which another municipality with a population of more than one million is predominantly located; and
 - (2) manages or regulates a development in which at least 4,000 acres of the property is subject to a covenant, condition, or restriction designating the property for commercial use, multifamily dwellings, or open space.
- Added by Acts 2003, 78th Leg., ch. 1024, Sec. 1, eff. Sept. 1, 2003.
- Amended by:
 - Acts 2011, 82nd Leg., R.S., Ch. 1311 (H.B. [3391](#)), Sec. 6, eff. September 1, 2011.
 - Acts 2013, 83rd Leg., R.S., Ch. 736 (S.B. [198](#)), Sec. 1, eff. September 1, 2013.

SPECIAL DISTRICT LOCAL LAWS CODE CHAPTER

3858. DRIFTWOOD ECONOMIC DEVELOPMENT

MUNICIPALMANAGEMENT DISTRICT

- Sec. 3858.102. IMPROVEMENT PROJECTS.
 - (a) The district may provide, or it may enter into contracts with a governmental or private entity to provide, the following types of improvement projects or services or activities in support of or incidental to those projects or services:

- (I) the planning, design, construction, improvement, operation, and maintenance of:
 - * (A) irrigation facilities and landscaping;
 - * (B) highway right-of-way or transit corridor beautification and improvement;
 - * (C) lighting, banners, and signs;
 - * (D) a street or sidewalk;
 - * (E) a hiking or cycling path or trail;
 - * (F) a park, lake, garden, recreational facility, sports facility, open space, scenic area, animal habitat, or related exhibit or preserve;
 - * (G) a fountain, plaza, or pedestrian mall;
 - * (H) a drainage or storm-water detention improvement;
 - * (I) a wastewater treatment and disposal facility;
 - * (J) water, wastewater, or drainage facilities or services;
 - * (K) a water quality protection facility;
 - * (L) a facility to enhance groundwater recharge, including a **rainwater** collection and harvesting system;
 - * (M) an alternative energy facility; or
 - * (N) solid waste management services, including garbage collection, recycling, and composting;

SPECIAL DISTRICT LOCAL LAWS CODE CHAPTER 8838. COW CREEK GROUNDWATER CONSERVATION DISTRICT

- **Sec. 8838.105. BEST MANAGEMENT PRACTICES FOR WATER RESOURCE MANAGEMENT.**
 - (a) The district may participate in the construction, implementation, and maintenance of best management practices for water resource management in the district and may engage in and promote the acceptance of best management practices through education efforts sponsored by the district.
 - (b) Construction, implementation, and maintenance of best management practices must address water quantity and quality practices such as brush management, prescribed grazing, recharge structures, water and silt detention and retention structures, plugging of abandoned wells, **rainwater** harvesting, and other treatment measures for the conservation of water resources.
- Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

SPECIAL DISTRICT LOCAL LAWS CODE CHAPTER 8875.

COMAL TRINITY GROUNDWATER CONSERVATION DISTRICT

- **Sec. 8875.103. BEST MANAGEMENT PRACTICES.**
 - (a) The district may participate in the development and implementation of best management practices for water resource management in the district and may engage in and promote the acceptance of best management practices through education efforts sponsored by the district.
 - (b) Development and implementation of best management practices must address water quantity and quality practices such as brush management, prescribed grazing, recharge structures, water and silt detention and retention structures, plugging of abandoned wells, **rainwater** harvesting, and other treatment measures for the conservation of water resources.
 - (c) The district may not adopt or implement a best management practice that is in conflict with or duplicative of a best management practice adopted by another groundwater conservation district whose territory covers any part of Comal County.
- Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. [2407](#)), Sec. 1, eff. June 17, 2015.

TAX CODE CHAPTER 11. TAXABLE PROPERTY AND EXEMPTIONS

- **Sec. 11.32. CERTAIN WATER CONSERVATION INITIATIVES.** The governing body of a taxing unit by official action of the governing body adopted in the manner required by law for official actions may exempt from taxation part or all of the assessed value of property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. For purposes of this section, approved water conservation, desalination, and brush control initiatives shall be designated pursuant to an ordinance or other law adopted by the governing unit.
 - Added by Acts 1997, 75th Leg., ch. 1010, Sec. 5.11. Amended by Acts 2001, 77th Leg., ch. 966, Sec. 4.24, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1234, Sec. 38, eff. Sept. 1, 2001.

TAX CODE CHAPTER 151. LIMITED SALES, EXCISE, AND USE TAX

- **Sec. 151.355. WATER-RELATED EXEMPTIONS.** The following are exempted from taxes imposed by this chapter:
 - (1) **rainwater** harvesting equipment or supplies, water recycling and reuse equipment or supplies, or other equipment, services, or supplies used solely to reduce or eliminate water use;
 - (2) equipment, services, or supplies used solely for desalination of surface water or groundwater;
 - (3) equipment, services, or supplies used solely for brush control designed to enhance the availability of water;

- (4) equipment, services, or supplies used solely for precipitation enhancement;
- (5) equipment, services, or supplies used solely to construct or operate a water or wastewater system certified by the Texas Commission on Environmental Quality as a regional system;
- (6) equipment, services, or supplies used solely to construct or operate a water supply or wastewater system by a private entity as a public-private partnership as certified by the political subdivision that is a party to the project; and
- (7) tangible personal property specifically used to process, reuse, or recycle wastewater that will be used in fracturing work performed at an oil or gas well.
- Added by Acts 2001, 77th Leg., ch. 966, Sec. 4.25, eff. Sept. 1, 2001, and Acts 2001, 77th Leg., ch. 1234, Sec. 39. Amended by Acts 2003, 78th Leg., ch. 209, Sec. 24, eff. Oct. 1, 2003.
- Amended by:
 - Acts 2007, 80th Leg., R.S., Ch. 1352 (H.B. [4](#)), Sec. 14, eff. June 15, 2007.

WATER CODE CHAPTER 1. GENERAL PROVISIONS

- **Sec. 1.003. PUBLIC POLICY.** It is the public policy of the state to provide for the conservation and development of the state's natural resources, including:
 - (1) the control, storage, preservation, and distribution of the state's storm and floodwaters and the waters of its rivers and streams for irrigation, power, and other useful purposes;
 - (2) the reclamation and irrigation of the state's arid, semiarid, and other land needing irrigation;
 - (3) the reclamation and drainage of the state's overflowed land and other land needing drainage;
 - (4) the conservation and development of its forest, water, and hydroelectric power;
 - (5) the navigation of the state's inland and coastal waters;
 - (6) the maintenance of a proper ecological environment of the bays and estuaries of Texas and the health of related living marine resources;
 - (7) the voluntary stewardship of public and private lands to benefit waters of the state; and
 - (8) the promotion of **rainwater** harvesting for potable and nonpotable purposes at public and private facilities in this state, including residential, commercial, and industrial buildings.
 - Acts 1971, 62nd Leg., p. 110, ch. 58, Sec. 1, eff. Aug. 30, 1971. Amended by Acts 1975, 64th Leg., p. 925, ch. 344, Sec. 1, eff. June 19, 1975.
 - Amended by:
 - Acts 2007, 80th Leg., R.S., Ch. 1352 (H.B. [4](#)), Sec. 1, eff. June 15, 2007.

- Acts 2007, 80th Leg., R.S., Ch. 1430 (S.B. [3](#)), Sec. 2.01, eff. September 1, 2007.
- Acts 2011, 82nd Leg., R.S., Ch. 1311 (H.B. [3391](#)), Sec. 7, eff. September 1, 2011.

WATER CODE CHAPTER 11. WATER RIGHTS

- **Sec. 11.021. STATE WATER.**

- (a) The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and **rainwater** of every river, natural stream, canyon, ravine, depression, and watershed in the state is the property of the state.
- (b) Water imported from any source outside the boundaries of the state for use in the state and which is transported through the beds and banks of any navigable stream within the state or by utilizing any facilities owned or operated by the state is the property of the state.
- Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, Sec. 1, eff. Sept. 1, 1977.

- **Sec. 11.036. CONSERVED OR STORED WATER: SUPPLY CONTRACT.**

- (a) A person, association of persons, corporation, or water improvement or irrigation district having in possession and control any storm water, floodwater, or **rainwater** that is conserved or stored as authorized by this chapter may contract to supply the water to any person, association of persons, corporation, or water improvement or irrigation district having the right to acquire use of the water.
- (b) The price and terms of the contract shall be just and reasonable and without discrimination, and the contract is subject to the same revision and control as provided in this code for other water rates and charges. If the contract sets forth explicit expiration provisions, no continuation of the service obligation will be implied.
- (c) The terms of a contract may expressly provide that the person using the stored or conserved water is required to develop alternative or replacement supplies prior to the expiration of the contract and may further provide for enforcement of such terms by court order.
- (d) If any person uses the stored or conserved water without first entering into a contract with the party that conserved or stored it, the user shall pay for the use at a rate determined by the commission to be just and reasonable, subject to court review as in other cases.
- (e) This section does not apply to a transfer of water or water rights originating from outside this state under Section [15.703](#)(a)(6) to any person having the right to acquire use of the water.
- Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, Sec. 1, eff. Sept. 1, 1977; Acts 1997, 75th Leg., ch. 1010, Sec. 2.05, eff. Sept. 1, 1997.
- Amended by:

- Acts 2025, 89th Leg., R.S., Ch. 954 (S.B. [7](#)), Sec. 1.02, eff. September 1, 2025.

WATER CODE CHAPTER 27. INJECTION WELLS

- Sec. 27.0516. PERMITS FOR INJECTION WELLS THAT TRANSECT OR TERMINATE IN PORTION OF EDWARDS AQUIFER WITHIN EXTERNAL BOUNDARIES OF BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT.
 - (e) The commission by rule may authorize:
 - (1) the injection of fresh water withdrawn from the Edwards Aquifer into a well that transects or terminates in the Edwards Aquifer for the purpose of providing additional recharge; or
 - (2) the injection of **rainwater**, storm water, flood water, or groundwater into the Edwards Aquifer by means of an improved natural recharge feature such as a sinkhole or cave located in a karst topographic area for the purpose of providing additional recharge.

WATER CODE CHAPTER 36. GROUNDWATER CONSERVATION DISTRICTS

- Sec. 36.1071. MANAGEMENT PLAN.
 - (a) Following notice and hearing, the district shall, in coordination with surface water management entities on a regional basis, develop a management plan that addresses the following management goals, as applicable:
 - (1) providing the most efficient use of groundwater;
 - (2) controlling and preventing waste of groundwater;
 - (3) controlling and preventing subsidence;
 - (4) addressing conjunctive surface water management issues;
 - (5) addressing natural resource issues;
 - (6) addressing drought conditions;
 - (7) addressing conservation, recharge enhancement, **rainwater** harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective; and
 - (8) addressing the desired future conditions adopted by the district under Section [36.108](#).

Texas Code

Title 22: EXAMINING BOARDS

Part 17: TEXAS STATE BOARD OF PLUMBING EXAMINERS

Chapter 363: EXAMINATION AND REGISTRATION

Rule §363.11: Water Supply Protection Specialist Endorsement

(a) To be eligible for a Water Supply Protection Specialist Endorsement an applicant must:

- (1) hold a current Journeyman Plumber, Master Plumber License, or Plumbing Inspector License; and
- (2) complete an approved training program based on the Federal Safe Drinking Water Act and the Federal Clean Water Act, on-site wastewater and site evaluations and graywater re-use, water quality training and water treatment, water utilities systems and regulations, water conservation, **rainwater** harvesting systems, xeriscape irrigation, fire protection systems, backflow prevention, and state laws regulating lead contamination in drinking water.

Title 22: EXAMINING BOARDS

Part 17: TEXAS STATE BOARD OF PLUMBING EXAMINERS

Chapter 365: LICENSING AND REGISTRATION

Rule §365.1: License, Endorsement and Registration Categories; Scope of Work Permitted

(a) The scope of plumbing work that an individual may perform is dictated by the type of license, endorsement, or registration held.

(b) An individual who holds a current Master Plumber License and meets the requirements of a Responsible Master Plumber (RMP):

- (1) may advertise or otherwise offer to perform or provide plumbing to the general public;
- (2) may enter into contracts or agreements to perform plumbing;
- (3) shall obtain plumbing permits to perform plumbing work;
- (4) may perform plumbing work without supervision; and
- (5) shall supervise plumbing work performed by other licensees or registrants.

(c) An individual who holds a current Journeyman or Master Plumber License may perform or supervise plumbing work:

- (1) under the supervision of a RMP; and
- (2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP.

(d) An individual who holds a current Tradesman Plumber-Limited License may:

- (1) perform or supervise plumbing work on one or two-family dwellings:

- (A) under the supervision of a RMP; and
 - (B) only under contracts or agreements to perform plumbing secured by a RMP or a person who has secured the services of a RMP; or
- (2) assist in the installation of plumbing other than for one or two-family dwellings under the on-the-job supervision of a Journeyman or Master Plumber.
- (e) An individual who holds a current Plumbing Inspector License may perform plumbing inspections as an employee or independent contractor of a political subdivision or state agency for compliance with health and safety laws and ordinances.
 - (1) An individual who holds a current Plumbing Inspector License with a current Medical Gas Piping Installation Endorsement may perform inspections of piping that is used solely to transport gases used for medical purposes.
 - (2) An individual who holds a current Plumbing Inspector License with a current Water Supply Protection Specialist Endorsement may perform inspections of plumbing work associated with the treatment, use and distribution of **rainwater** to supply a plumbing fixture, appliance, or irrigation system.
 - (3) An individual who holds a current Plumbing Inspector License with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement may perform inspections of multipurpose residential fire protection sprinkler systems installed in a one or two-family dwelling.
- (f) An individual who holds a current Journeyman or Master Plumber License with a current Medical Gas Piping Installation Endorsement may install piping that is used solely to transport gases used for medical purposes:
 - (1) under the supervision of a RMP who holds a current Medical Gas Piping Installation Endorsement; and
 - (2) only under contracts or agreements to perform medical gas piping installations secured by a RMP who holds a current Medical Gas Piping Installation Endorsement or a person who has secured the services of a RMP who holds a current Medical Gas Piping Installation Endorsement.
- (g) An individual who holds a current Journeyman or Master Plumber License with a current Water Supply Protection Specialist Endorsement may:
 - (1) perform Customer Service Inspections pursuant to 30 Texas Administrative Code §290.46(j). Minimum Acceptable Operating Practices for Public Drinking Water Systems; or
 - (2) install, service or repair plumbing associated with the treatment, use and distribution of **rainwater** to supply a plumbing fixture, appliance, or irrigation system:
 - (A) under the supervision of a RMP who holds a current Water Supply Protection Specialist Endorsement; and
 - (B) only under contracts or agreements to perform, install, service, and repair plumbing associated with the use and distribution of **rainwater**

to supply a plumbing fixture, appliance, or irrigation system secured by a RMP who holds a current Water Supply Protection Specialist Endorsement or a person who has secured the services of a RMP, in accordance with Board Rules, who holds a current Water Supply Protection Specialist Endorsement.

- (3) A Water Supply Protection Specialist Endorsement shall not be used in lieu of a Plumbing Inspector License to perform plumbing inspections. A Plumbing Inspector may perform a Customer Service Inspection even if the individual does not hold a Water Supply Protection Specialist Endorsement.
- (h) An individual who holds a current Journeyman or Master Plumber License with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement may install a multipurpose residential fire protection sprinkler system in a one or two-family dwelling:
- (1) under the supervision of a RMP who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement; and
 - (2) only under contracts or agreements to perform multipurpose residential fire protection sprinkler system installations secured by a RMP who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement or a person who has secured the services of a RMP who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement.
- (i) An individual who holds a current Plumber's Apprentice Registration may assist a licensee with the installation of plumbing:
- (1) under the direct supervision of a person licensed by the Board;
 - (2) under the supervision of a RMP; and
 - (3) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP.
- (j) An individual who holds a current Plumber's Apprentice Registration and a current Residential Utilities Installer Registration may construct and install only yard water service piping and building sewers for one or two-family dwellings:
- (1) under the supervision of a RMP; and
 - (2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP.
- (k) An individual who holds a current Tradesman Plumber-Limited License or Plumber's Apprentice Registration and a current Drain Cleaner Registration may install cleanouts and remove and reset p-traps for the purposes of eliminating obstructions in building drains and sewers:
- (1) under the supervision of a RMP; and
 - (2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP.

- (l) An individual who holds a current Plumber's Apprentice Registration and a current Drain Cleaner-Restricted Registration may clear obstructions in sewer and drain lines through any existing code-approved opening:
 - (1) under the supervision of a RMP; and
 - (2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP.

Title 22: EXAMINING BOARDS

Part 17: TEXAS STATE BOARD OF PLUMBING EXAMINERS

Chapter 365: LICENSING AND REGISTRATION

Rule §365.20: Course Instructors for Continuing Professional Education and Training Programs

- (a) A Course Instructor must hold a current Journeyman, Master Plumber or Plumbing Inspector License issued by the Board that is in good standing in order to teach general continuing education or training programs.
- (b) A Course Instructor must:
 - (1) hold a current medical gas piping endorsement issued by the Board that is in good standing in order to teach continuing education or training programs on:
 - (A) how to install pipe to transport gas for medical purposes;
 - (B) how to install a vacuum used for medical purposes;
 - (C) how to inspect medical gas piping installations;
 - (D) how to verify medical gas and vacuum piping integrity; and
 - (E) material from NFPA 99; Health Care Facilities Code.
 - (2) hold a current multipurpose residential fire protection sprinkler specialist endorsement issued by the Board that is in good standing in order to teach continuing education or training programs on:
 - (A) how to design, install or inspect a multipurpose residential fire protection sprinkler system; or
 - (B) material from NFPA 13; Standard for the Installation of Sprinkler Systems,
 - (3) hold a current water supply protection specialist endorsement issued by the Board that is in good standing in order to teach continuing education or training programs on:
 - (A) how to perform Texas Commission on Environmental Quality (TCEQ) customer service inspections to identify potential contaminant hazards, and illegal lead materials, and to prevent cross-connections;
 - (B) how to install, service and repair plumbing associated with the treatment, use and distribution of **rainwater** to supply a plumbing fixture or appliance;

- (C) material from American National Standard Institute/NSF International Standard 60 for Drinking Water Treatment Chemicals; and
- (D) material from American National Standards Institute/NSF International Standard 61 for Drinking Water System Components.
- (c) The Executive Director will approve an instructor to teach continuing education or training programs who meets the minimum qualifications, submits a complete application and pays the required application fee.
- (d) A Course Instructor must comply with the Plumbing License Law and Board Rules, including the standards of conduct for licensees and registrants.
- (e) A Course Instructor has a responsibility to teach approved material that meets curriculum standards and to report students' successfully completed hours no later than three (3) business days after the course ends.
- (f) The Board will randomly monitor Course Instructors for quality of instruction and compliance with the Plumbing License Law and Board Rules.

Title 30: ENVIRONMENTAL QUALITY

Part 1: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chapter 21: WATER QUALITY FEES

Rule §21.2: Definitions and Abbreviations

- (a) Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.
 - (9) State water--The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and **rainwater** of every river, natural stream, and watercourse in the state. State water also includes water which is imported from any source outside the boundaries of the state for use in the state and which is transported through the beds and banks of any navigable stream within the state or by utilizing any facilities owned or operated by the state. Additionally, state water injected into the ground for an aquifer storage and recovery project remains state water. State water does not include percolating groundwater, nor does it include diffuse surface rainfall runoff, groundwater seepage, or springwater before it reaches a watercourse.

Title 30: ENVIRONMENTAL QUALITY
Part 1: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Chapter 106: PERMITS BY RULE
Subchapter P: PLANT OPERATIONS
Rule §106.371: Cooling Water Units

Water cooling towers, water treating systems for process cooling water or boiler feedwater, and water tanks, reservoirs, or other water containers designed to cool, store, or otherwise handle water (including **rainwater**) that have not been used in direct contact with gaseous or liquid process streams containing carbon compounds, sulfur compounds, halogens or halogen compounds, cyanide compounds, inorganic acids, or acid gases are permitted by rule.

Title 30: ENVIRONMENTAL QUALITY
Part 1: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Chapter 210: USE OF RECLAIMED WATER
Subchapter F: USE OF GRAYWATER SYSTEMS
Rule §210.82: Definitions and General Requirements

(a) Definitions. For the purposes of this subchapter, the following terms have the following meanings.

- (1) Alternative onsite water-- **rainwater**, air-conditioner condensate, foundation drain water, stormwater, swimming pool backwash and drain water, or reverse osmosis reject water. Cooling tower blowdown is regulated by Subchapter E of this chapter (relating to Special Requirements for Use of Industrial Reclaimed Water); therefore, for the purposes of this subchapter, all references to alternative onsite water do not include cooling tower blowdown. Reverse osmosis reject water generated at industrial facilities, commercial facilities, and institutions is regulated by Subchapter E of this chapter; therefore, for the purposes of this subchapter, all references to alternative onsite water do not include reverse osmosis reject water generated at industrial facilities, commercial facilities, and institutions. Reverse osmosis reject water generated at private residences and agriculture facilities may be used in accordance with this subchapter.
- (2) Alternative water reuse system--a system designed and constructed to store and distribute one or more sources of alternative onsite water. An alternative water reuse system shall not contain, store, or distribute any graywater.
- (3) Combined reuse system--a system designed and constructed to store and distribute graywater and one or more sources of alternative onsite water.
- (4) Graywater--wastewater from showers, bathtubs, handwashing lavatories, sinks that are used for disposal of household or domestic products, sinks that are not used for food preparation or disposal, and clothes-washing machines. Graywater does not include wastewater from the washing of material, including diapers, soiled with human excreta or wastewater that has come into contact with toilet waste.

(5) Graywater reuse system--a system designed and constructed to store and distribute graywater only. A graywater reuse system shall not contain, store, or distribute any source of alternative onsite water.

(b) Alternative water reuse systems. The following requirements apply to alternative water reuse systems used at a private residence, industrial facility, commercial facility, institution, or agriculture facility.

- (1) Water from an alternative water reuse system may be reused for beneficial purposes including but not limited to landscape irrigation, gardening, composting, foundation stabilization, and toilet and urinal flushing. An alternative water reuse system may store and use either a single source or a combination of sources of alternative onsite water, and in any volume.
- (2) Reverse osmosis reject water generated at an industrial facility, commercial facility, or an institution is prohibited from being stored and used in an alternative water reuse system. Reverse osmosis reject water generated by an industrial facility, commercial facility, or an institution is regulated by Subchapter E of this chapter.
- (3) Reuse of water from an alternative water reuse system does not require authorization from the commission if used in accordance with this subchapter. The property owner is responsible for ensuring that the alternative water reuse system is properly operated and maintained to comply with the requirements of this subchapter.
- (4) Water from an alternative water reuse system must be applied at a rate that will not result in ponding or pooling, or cause runoff across the property lines or onto any paved surface.
- (5) Water from an alternative water reuse system shall not be applied using a spray distribution system except in accordance with the following conditions.
 - (A) Water from the spray distribution system must be applied at times when people and pets are not actively using the distribution area.
 - (B) Water from the spray distribution system must not be applied during rainfall events, when the ground is frozen, or within 24 hours after one-half inch or more of rain.
 - (C) Water from the spray distribution system must be applied at a rate to prevent ponding, puddling, or runoff.
 - (D) Water from the spray distribution system must not be sprayed or allowed to drift off the property.
 - (E) The spray distribution system must not be connected to a potable or raw water irrigation system unless suitable backflow prevention is provided to protect the potable or raw water system.
 - (F) The spray distribution system must be inspected and repaired as needed to prevent discharges to water in the state or off the property.

- (6) The storage and use of water from an alternative water reuse system must not create a nuisance, threaten human health, or damage the quality of surface water or groundwater.
- (7) Swimming pool backwash and drain water cannot be used within five days of adding chemicals for shock or acid treatment.
- (8) Water from an alternative water reuse system that is used for toilet or urinal flushing must meet the following requirements. Property owners may refer to the regulatory guidance document that is required by the Texas Health and Safety Code, §341.039, for assistance in complying with these requirements.
 - (A) For residential toilet or urinal flushing, *Escherichia coli* (*E. coli*) must be less than 14 most probable number (MPN) or colony-forming units (CFU) per 100 milliliters for 30-day geometric mean and less than 240 MPN or CFU per 100 milliliters maximum single grab sample. For industrial, commercial, or agricultural toilet or urinal flushing, *E. coli* must be less than 2.2 MPN or CFU per 100 milliliters for 30-day geometric mean and less than 200 MPN or CFU per 100 milliliters maximum single grab sample.
 - (B) Total suspended solids must be less than 10.0 milligrams per liter for 30-day geometric mean and less than 30.0 milligrams per liter maximum single grab sample.
 - (C) All exposed piping and piping carrying alternative onsite water within a building must be either purple pipe or painted purple; all buried piping must be either manufactured in purple, painted purple, taped with purple metallic tape, or bagged in purple; and all exposed piping must be stenciled in yellow with a warning reading “NON-POTABLE WATER.” An alternative water reuse system that stores only **rainwater**, commonly referred to as a **rainwater** harvesting system, and uses the water for potable purposes in accordance with §290.44 of this title (relating to Water Distribution) is exempt from this subparagraph.
- (9) An alternative water reuse system cannot have a physical connection to an organized wastewater collection system or an on-site sewage facility (OSSF). When the system reaches capacity, it is allowed to overflow onto the ground only if the overflow is caused by inflow of **rainwater** or stormwater. Overflow under these conditions is exempt from the requirement of paragraph (4) of this subsection.
- (10) An alternative water reuse system may be subject to backflow prevention requirements in §290.44 of this title to protect public water supply systems from cross-contamination.
- (c) Graywater reuse systems and combined reuse systems. The following requirements apply to all graywater reuse systems and combined reuse systems.
 - (1) Construction of a graywater reuse system or a combined reuse system, including storage and distribution systems, must comply with this subchapter and any requirements of the local permitting authority.

- (2) Water from a graywater reuse system or a combined reuse system must be applied at a rate that will not result in ponding or pooling and will not cause runoff across the property lines or onto any paved surface.
- (3) The storage and use of water from a graywater reuse system or a combined reuse system must not create a nuisance, threaten human health, or damage the quality of surface water or groundwater.
- (4) A graywater reuse system or combined reuse system may be subject to backflow prevention requirements in §290.44 of this title to protect public water supply systems from cross-contamination.

Title 30: ENVIRONMENTAL QUALITY

Part 1: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chapter 210: USE OF RECLAIMED WATER

Subchapter F: USE OF GRAYWATER SYSTEMS

Rule §210.83: Residential Use of Graywater and Alternative Onsite Water

- (a) An authorization from the commission is not required for the residential use of graywater and alternative onsite water from a graywater reuse system or a combined reuse system when the total combined average is less than 400 gallons per day and the water is used in accordance with this subchapter. Unless directed by the executive director, an authorization from the commission is not required for the residential use of graywater and alternative onsite water from a graywater reuse system or a combined reuse system when the total combined average is greater than or equal to 400 gallons per day and the water is used in accordance with this subchapter.
- (b) The graywater and alternative onsite water must originate from a private residence.
- (c) Water from a graywater reuse system or a combined reuse system may only be used at the private residence for the following purposes:
 - (1) to minimize foundation movement and cracking;
 - (2) for gardening;
 - (3) for composting;
 - (4) for landscaping; or
 - (5) for toilet or urinal flushing.
- (d) Graywater reuse systems and combined reuse systems are not authorized to overflow onto the ground under any circumstance.
 - (1) Graywater reuse systems must be designed and constructed so that the storage tank required by subsection (e) of this section overflows to an organized wastewater collection system or an on-site sewage facility (OSSF) unless prohibited by Chapter 285, Subchapter H of this title (relating to Disposal of Graywater). The graywater must enter the organized wastewater collection system or OSSF through either one air gap or two backflow valves or backflow preventers.

- (2) Combined reuse systems must be designed and constructed so that 100% of the graywater can be diverted to an organized wastewater collection system or an OSSF, unless prohibited by Chapter 285, Subchapter H of this title, prior to entering the storage tank required by subsection (e) of this section. Graywater must be diverted to the organized wastewater collection system or OSSF during periods of non-use of the system or if the storage tank required by subsection (e) of this section reaches 80% capacity. The graywater must enter the organized wastewater collection system or the OSSF through either one air gap or two backflow valves or backflow preventers.
 - (3) Combined reuse systems that store stormwater, **rainwater**, and/or foundation drain water must have an automatic shutoff system to stop the inflow of stormwater, **rainwater**, and foundation drain water into the combined reuse system. The automatic shutoff system must activate when the storage tank required by subsection (e) of this section reaches 80% capacity.
- (e) Except as authorized by subsection (j) of this section, graywater reuse systems and combined reuse systems must store the water in tanks and the tanks must:
- (1) be clearly labeled as non-potable water;
 - (2) restrict access, especially to children;
 - (3) eliminate habitat for mosquitoes and other vectors;
 - (4) be able to be cleaned; and
 - (5) meet the structural requirements of §210.25(i) of this title (relating to Special Design Criteria for Reclaimed Water Systems).
- (f) Graywater reuse systems and combined reuse systems must use piping that meets the piping requirement of §210.25 of this title.
- (g) Water from a graywater reuse system or a combined reuse system shall not be applied using a spray distribution system except in accordance with the following conditions.
- (1) Water from the spray distribution system must meet the following limits:
Escherichia coli (*E. coli*) must be less than 14 most probable number (MPN) or colony-forming units (CFU) per 100 milliliters for 30-day geometric mean and less than 240 MPN or CFU per 100 milliliters maximum single grab sample.
 - (2) Water from the spray distribution system must be applied at times when people and pets are not actively using the distribution area.
 - (3) Water from the spray distribution system must not be applied during rainfall events, when the ground is frozen, or within 24 hours after one-half inch or more of rain.
 - (4) Water from the spray distribution system must be applied at a rate to prevent ponding, puddling, or runoff.
 - (5) Water from the spray distribution system must not be sprayed or allowed to drift off property.

- (6) The spray distribution system must not be connected to a potable or raw water irrigation system unless suitable backflow prevention is provided to protect the potable or raw water system.
- (7) The spray distribution system must be inspected and repaired as needed to prevent discharges to water in the state or off property.
- (h) The property owner is responsible for ensuring that the graywater reuse system or combined reuse system is properly operated and maintained to achieve the following requirements. Monitoring and recordkeeping for *E. coli* and total suspended solids is not required. Property owners may refer to the regulatory guidance document that is required by the Texas Health and Safety Code, §341.039, for assistance in complying with these requirements.
 - (1) Graywater and alternative onsite water shall be treated to remove debris such as lint, leaves, twigs, and branches prior to entering the storage tank by use of a 50 mesh screen.
 - (2) Swimming pool backwash and drain water cannot be used within five days after adding chemicals for shock or acid treatment.
 - (3) Water from a graywater reuse system or a combined reuse system that is used for toilet or urinal flushing must meet the following requirements.
 - (A) *E. coli* must be less than 14 MPN or CFU per 100 milliliters for 30-day geometric mean and less than 240 MPN or CFU per 100 milliliters maximum single grab sample.
 - (B) Total suspended solids must be less than 10.0 milligrams per liter for 30-day geometric mean and less than 30.0 milligrams per liter maximum single grab sample.
 - (C) All exposed piping and piping carrying graywater and/or alternative onsite water within a building must be either purple pipe or painted purple; all buried piping must be either manufactured in purple, painted purple, taped with purple metallic tape, or bagged in purple; and all exposed piping must be stenciled in yellow with a warning reading "NON-POTABLE WATER."
- (i) Builders of private residences are encouraged to:
 - (1) install plumbing in new housing to collect graywater and alternative onsite water from all allowable sources, taking into consideration end-use requirements and maintaining sufficient blackwater waste flow; and
 - (2) design and install a subsurface distribution system around the foundation of new housing to minimize foundation movement or cracking.
- (j) Property owners who have been disposing of wastewater from residential clothes-washing machines, otherwise known as laundry graywater, directly onto the ground prior to January 6, 2005, may continue disposing of laundry graywater under the following conditions.
 - (1) The disposal area must not create a nuisance or threaten human health.

- (2) Surface ponding must not occur in the disposal area.
- (3) The disposal area must support plant growth or be sodded with vegetative cover.
- (4) The disposal area must have limited access and use by residents and pets.
- (5) Laundry graywater that has been in contact with human or animal waste must not be disposed onto the ground surface.
- (6) Laundry graywater must not be disposed onto an area where the soil is wet.
- (7) A lint trap must be affixed to the end of the discharge line.
- (8) The system has not been altered after January 6, 2005, has not created a nuisance, and does not discharge graywater from any source other than clothes-washing machines.

Title 30: ENVIRONMENTAL QUALITY

Part 1: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chapter 210: USE OF RECLAIMED WATER

Subchapter F: USE OF GRAYWATER SYSTEMS

Rule §210.84: Industrial, Commercial, or Institutional Use of Graywater and Alternative Onsite Water

- (a) For the purposes of this section, alternative onsite water does not include reverse osmosis reject water, as this source of water is regulated by Subchapter E of this chapter (relating to Special Requirements for Use of Industrial Reclaimed Water).
- (b) An authorization from the commission is not required for the use of graywater and alternative onsite water from a graywater reuse system or a combined reuse system at an industrial facility, commercial facility, or institution. Treatment required by this section does not require authorization from the commission.
- (c) The graywater and alternative onsite water must be generated and used onsite.
- (d) Graywater reuse systems and combined reuse systems are not authorized to overflow onto the ground under any circumstances.
 - (1) Graywater reuse systems must be designed and constructed so that 100% of the graywater can be diverted to an organized wastewater collection system, on-site sewage facility (OSSF), authorized outfall in a wastewater discharge permit, or authorized disposal area in a Texas Land Application Permit (TLAP). The graywater must be diverted to the organized wastewater collection system, OSSF, authorized outfall in a wastewater discharge permit, or authorized disposal area in a TLAP during periods of non-use of the graywater reuse system or if the system reaches maximum capacity. The graywater must enter the organized wastewater system or OSSF through either one air gap or two backflow valves or backflow preventers.
 - (2) Combined reuse systems must be designed and constructed so that 100% of the graywater can be diverted to an organized wastewater collection system, OSSF, authorized outfall in a wastewater discharge permit, or authorized disposal area in a TLAP prior to entering the combined reuse system. Graywater

must be diverted to the organized wastewater collection system, OSSF, authorized outfall in a wastewater discharge permit, or authorized disposal area in a TLAP during periods of non-use of the system or if the combined reuse system reaches 80% capacity. The graywater must enter the organized wastewater collection system or the OSSF through either one air gap or two backflow valves or backflow preventers.

- (3) Combined reuse systems that store stormwater, **rainwater**, and/or foundation drain water must have an automatic shutoff system to stop the inflow of stormwater, **rainwater**, and foundation drain water into the combined reuse system. The automatic shutoff system must activate when the combined reuse system reaches 80% capacity.

(e) Water from a graywater reuse system or a combined reuse system may be used onsite for the following activities.

- (1) Process water. Water from a graywater reuse system or a combined reuse system that is used for process water must be treated to a standard that allows the water to be used in operational processes.

- (2) Landscape maintenance. Water from a graywater reuse system or a combined reuse system that is used for landscape maintenance must meet the following limits.

(A) If the water will be applied in areas with public access, the water must meet the following limits:

- (i) *Escherichia coli* (*E. coli*), 20 most probable number (MPN) or colony-forming units (CFU) per 100 milliliters (ml), 30-day geometric mean; or
- (ii) *E. coli* (not to exceed), 75 MPN or CFU per 100 ml, single grab sample.

(B) If the water will be applied in areas with restricted access to the public, the water must meet the following limits:

- (i) *E. coli*, 200 MPN or CFU per 100 ml, 30-day geometric mean; or
- (ii) *E. coli* (not to exceed), 800 MPN or CFU per 100 ml, single grab sample.

- (3) Dust control. Water from a graywater reuse system or a combined reuse system that is used for dust control must meet the *E. coli* limits in paragraph (2)(B) of this subsection.

- (4) Toilet or urinal flushing. Water from a graywater reuse system or a combined reuse system that is used for toilet or urinal flushing must meet the following requirements.

(A) *E. coli* must be less than 2.2 MPN or CFU per 100 ml for 30-day geometric mean and less than 200 MPN or CFU per 100 ml maximum single grab sample.

(B) Total suspended solids must be less than 10.0 milligrams per liter for

30-day geometric mean and less than 30.0 milligrams per liter maximum single grab sample.

(C) All exposed piping and piping carrying graywater and/or alternative onsite water within a building must be either purple pipe or painted purple; all buried piping installed after January 6, 2005, must be either manufactured in purple, painted purple, taped with purple metallic tape, or bagged in purple; and all exposed piping must be stenciled in yellow with a warning reading “NON-POTABLE WATER.”

(5) Other uses. Water from a graywater reuse system or a combined reuse system that is used for other similar activities must:

(A) meet the *E. coli* limits in paragraph (2)(A) of this subsection if used in a way that the public may come into contact with the water; or

(B) meet the *E. coli* limits in paragraph (2)(B) of this subsection if used in a way that the public will not come into contact with the water.

(f) Water from a graywater reuse system or a combined reuse system that is required to meet the *E. coli* limits in subsection (e) of this section must be monitored for *E. coli* at least monthly. These records must be maintained at the site and be readily available for inspection by the commission for a minimum of five years.

Title 30: ENVIRONMENTAL QUALITY

Part 1: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chapter 210: USE OF RECLAIMED WATER

Subchapter F: USE OF GRAYWATER SYSTEMS

Rule §210.85: Agricultural Use of Graywater and Alternative Onsite Water

(a) An authorization from the commission is not required for the use of graywater and alternative onsite water from a graywater reuse system or a combined reuse system for agricultural purposes. Treatment required by this section does not require authorization from the commission.

(b) The graywater and alternative onsite water must be generated and used onsite.

(c) Graywater reuse systems and combined reuse systems are not authorized to overflow onto the ground under any circumstances.

(1) Graywater reuse systems must be designed and constructed so that 100% of the graywater can be diverted to an organized wastewater collection system or on-site sewage facility (OSSF), unless prohibited by Chapter 285, Subchapter H of this title (relating to Disposal of Graywater). The graywater must be diverted during periods of non-use of the graywater reuse system or if the system reaches maximum capacity. The graywater must enter the organized wastewater collection system or OSSF through either one air gap or two backflow valves or backflow preventers.

(2) Combined reuse systems must be designed and constructed so that 100% of the graywater can be diverted to an organized wastewater collection system

or OSSF, unless prohibited by Chapter 285, Subchapter H of this title prior to entering the combined reuse system. Graywater must be diverted to the organized wastewater collection system or OSSF during periods of non-use of the system or if the combined reuse system reaches 80% capacity. The graywater must enter the organized wastewater collection system or the OSSF through either one air gap or two backflow valves or backflow preventers.

- (3) Combined reuse systems that store stormwater, **rainwater**, and/or foundation drain water must have an automatic shutoff system to stop the inflow of stormwater, **rainwater**, and foundation drain water into the combined reuse system. The automatic shutoff system must activate when the combined reuse system reaches 80% capacity.

(d) Water from a graywater reuse system or a combined reuse system may be used for the following activities.

- (1) Process water. Water from a graywater reuse system or a combined reuse system that is used for irrigation and other agricultural purposes may be treated to a standard that allows the water to be used in operational processes.
- (2) Landscape maintenance. Water from a graywater reuse system or a combined reuse system that is used for landscape maintenance must meet the following limits.

(A) If the water will be applied in areas with public access, the water must meet the following limits:

- (i) *Escherichia coli* (*E. coli*), 20 most probable number (MPN) or colony-forming units (CFU) per 100 milliliters (ml), 30-day geometric mean; or
- (ii) *E. coli* (not to exceed), 75 MPN or CFU per 100 ml, single grab sample.

(B) If the water will be applied in areas with restricted access to the public, the water must meet the following limits:

- (i) *E. coli*, 200 MPN or CFU per 100 ml, 30-day geometric mean; or
- (ii) *E. coli*, 800 MPN or CFU per 100 ml, single grab sample.

- (3) Dust control. Water from a graywater reuse system or a combined reuse system that is used for dust control must meet the *E. coli* limits in paragraph (2)(B) of this subsection.
- (4) Irrigation of fields. Water from a graywater reuse system or a combined reuse system that is used to irrigate fields where edible crops are grown or fields that are pastures for milking animals, the water must meet the *E. coli* limits in paragraph (2)(A) of this subsection. *E. coli* limits do not apply to graywater and alternative onsite water that is used to irrigate fields other than those where edible crops are grown or fields that are pastures for milking animals.
- (5) Toilet or urinal flushing. Water from a graywater reuse system or a combined reuse system that is used for toilet or urinal flushing must meet the following requirements.

- (A) *E. coli* must be less than 2.2 MPN or CFU per 100 ml for 30-day geometric mean and less than 200 MPN or CFU per 100 ml maximum single grab sample.
 - (B) Total suspended solids must be less than 10.0 milligrams per liter for 30-day geometric mean and less than 30.0 milligrams per liter maximum single grab sample.
 - (C) All exposed piping and piping carrying graywater and/or alternative onsite water within a building must be either purple pipe or painted purple; all buried piping must be either manufactured in purple, painted purple, taped with purple metallic tape, or bagged in purple; and all exposed piping must be stenciled in yellow with a warning reading "NON-POTABLE WATER."
- (6) Other uses. Water from a graywater reuse system or a combined reuse system that is used for other similar activities must:
- (A) meet the *E. coli* limits in paragraph (2)(A) of this subsection if used in a way that the public may come into contact with the water; or
 - (B) meet the *E. coli* limits in paragraph (2)(B) of this subsection if used in a way that the public will not come into contact with the water.
- (e) Water from a graywater reuse system or a combined reuse system that is required to meet the *E. coli* limits in subsection (d) of this section must be monitored for *E. coli* at least monthly. These records must be maintained at the site and be readily available for inspection by the commission for a minimum period of five years.

Title 31: NATURAL RESOURCES AND CONSERVATION

Part 10: TEXAS WATER DEVELOPMENT BOARD

Chapter 356: GROUNDWATER MANAGEMENT

Subchapter E: GROUNDWATER MANAGEMENT PLAN APPROVAL

Rule §356.52: Required Content of Management Plan

- (a) A management plan must contain, unless explained in detail as not applicable, the following elements:
- (1) Management goals:
 - (A) providing the most efficient use of groundwater;
 - (B) controlling and preventing waste of groundwater;
 - (C) controlling and preventing subsidence;
 - (D) addressing conjunctive surface water management issues;
 - (E) addressing natural resource issues which impact the use and availability of groundwater, and which are impacted by the use of groundwater;

- (F) addressing drought conditions;
 - (G) addressing conservation, recharge enhancement, **rainwater** harvesting, precipitation enhancement and brush control, where appropriate and cost-effective; and
 - (H) addressing the desired future conditions adopted by the district under Texas Water Code §36.108;
- (2) Management objective(s) for each management goal. Management objectives are specific, measurable, and time-based statements of future outcomes that the district will use to achieve each management goal in paragraph (1) of this subsection. Each future outcome must be the result of actions that can be taken by the district during the five years following the effective date of the adopted management plan;
- (3) Performance standard(s) for each management objective. Performance standards are indicators or measures used to evaluate the effectiveness and efficiency of district activities. Evaluation of the effectiveness of district activities measures the performance of the district. Evaluation of the efficiency of district activities measures how well district resources are used to produce an output, such as the amount of resources devoted for each management action;
- (4) Details of how the district will manage groundwater supplies in the district, including a methodology by which the district will track its progress in achieving its management goals. At least one goal must be tracked on an annual basis; however, other goals may be defined and tracked over a longer time period as appropriate;
- (5) The actions, procedures, performance, and avoidance that are or may be necessary by the district to effect the plan, including specifications and proposed rules;
- (6) Estimates of the following:
- (A) modeled available groundwater in the district as provided by the executive administrator based on the desired future condition established under Texas Water Code §36.108;
 - (B) the amount of groundwater being used within the district on an annual basis taken from either the water use survey data provided by the executive administrator or the district's own estimate;
 - (C) the annual amount of recharge from precipitation, if any, to each aquifer within the district, as provided by the executive administrator;
 - (D) the annual volume of water that discharges from each aquifer within the district to springs and any surface water bodies, including lakes, streams, and rivers, as provided by the executive administrator;
 - (E) the annual volume of flow into and out of the district within each aquifer and between aquifers in the district, as provided by the executive administrator;

- (F) the projected surface water supply in the district according to the most recently adopted state water plan; and
 - (G) the projected water demand for water in the district according to the most recently adopted state water plan; and
- (7) Details of the district's consideration of:
- (A) Water supply needs within the district according to the most recently adopted state water plan, emphasizing those needs that impact groundwater supply within the district; and
 - (B) Water management strategies sourced from within the district boundaries according to the most recently adopted state water plan, emphasizing strategies that are or will be impacted by district actions.
- (b) The management goals, management objectives, and performance standards required in subsection (a)(1), (2), and (3) of this section must be consistent with the established desired future conditions of the district's groundwater management area(s).
- (c) Estimates required in subsection (a)(5) of this section must be developed with groundwater availability modeling information provided by the executive administrator in conjunction with the district's best available site-specific information and data.

Title 31: NATURAL RESOURCES AND CONSERVATION

Part 10: TEXAS WATER DEVELOPMENT BOARD

Chapter 357: REGIONAL WATER PLANNING

Subchapter C: PLANNING ACTIVITIES FOR NEEDS ANALYSIS AND STRATEGY RECOMMENDATIONS

Rule §357.34: Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects

- (a) RWPGs shall identify and evaluate potentially feasible WMSs and the WMSPs required to implement those strategies for all WUGs and WWPs with identified Water Needs.
- (b) RWPGs shall identify potentially feasible WMSs to meet water supply needs identified in §357.33 of this title (relating to Needs Analysis: Comparison of Water Supplies and Demands) in accordance with the process in §357.12(b) of this title (relating to General Regional Water Planning Group Responsibilities and Procedures). Strategies shall be developed for WUGs and WWPs. WMS and WMSPs shall be developed for WUGs and WWPs that would provide water to meet water supply needs during Drought of Record conditions.
- (c) Potentially feasible WMSs may include, but are not limited to:
 - (1) Expanded use of existing supplies including system optimization and conjunctive use of water resources, reallocation of reservoir storage to new uses, voluntary redistribution of water resources including contracts,

water marketing, regional water banks, sales, leases, options, subordination agreements, and financing agreements, subordination of existing water rights through voluntary agreements, enhancements of yields of existing sources, and improvement of water quality including control of naturally occurring chlorides.

- (2) New supply development including construction and improvement of surface water and groundwater resources, brush control, precipitation enhancement, seawater desalination, brackish groundwater desalination, water supply that could be made available by cancellation of water rights based on data provided by the Commission, **rainwater** harvesting, and aquifer storage and recovery.
 - (3) Conservation and Drought Management Measures including demand management.
 - (4) Reuse of wastewater.
 - (5) Interbasin Transfers of Surface Water.
 - (6) Emergency transfers of surface water including a determination of the part of each water right for non-municipal use in the RWPA that may be transferred without causing unreasonable damage to the property of the non-municipal water rights holder in accordance with Texas Water Code §11.139 (relating to Emergency Authorizations).
- (d) All recommended WMSs and WMSPs that are entered into the State Water Planning Database shall be designed to reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or develop, deliver or treat additional water supply volumes to WUGs or WWP in at least one planning decade such that additional water is available during Drought of Record conditions. Any other RWPG recommendations regarding permit modifications, operational changes, and/or other infrastructure that are not designed to reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or develop, deliver or treat additional water supply volumes to WUGs or WWP in at least one Planning Decade such that additional water is available during Drought of Record conditions shall be indicated as such and presented separately in the RWP and shall not be eligible for funding from the State Water Implementation Fund for Texas.
- (e) Evaluations of potentially feasible WMSs and associated WMSPs shall include the following analyses:
- (1) For the purpose of evaluating potentially feasible WMSs, the Commission's most current Water Availability Model with assumptions of no return flows and full utilization of senior water rights, is to be used. Alternative assumptions may be used with written approval from the EA who shall consider a written request from an RWPG to use assumptions other than no return flows and full utilization of senior water rights.
 - (2) An equitable comparison between and consistent evaluation and application of all WMSs the RWPGs determine to be potentially feasible for each water supply need.
 - (3) A quantitative reporting of:

- (A) The net quantity, reliability, and cost of water delivered and treated for the end user's requirements during Drought of Record conditions, taking into account and reporting anticipated strategy water losses, incorporating factors used in calculating infrastructure debt payments and may include present costs and discounted present value costs. Costs do not include costs of infrastructure associated with distribution of water within a WUG after treatment, except for specific, limited allowances for direct reuse and conservation WMSs.
 - (B) Environmental factors including effects on environmental water needs, wildlife habitat, cultural resources, and effect of upstream development on bays, estuaries, and arms of the Gulf of Mexico. Evaluations of effects on environmental flows shall include consideration of the Commission's adopted environmental flow standards under 30 Texas Administrative Code Chapter 298 (relating to Environmental Flow Standards for Surface Water). If environmental flow standards have not been established, then environmental information from existing site-specific studies, or in the absence of such information, state environmental planning criteria adopted by the Board for inclusion in the State Water Plan after coordinating with staff of the Commission and the Texas Parks and Wildlife Department to ensure that WMSs are adjusted to provide for environmental water needs including in-stream flows and bays and estuaries inflows.
 - (C) Impacts to agricultural resources.
- (4) Discussion of the plan's impact on other water resources of the state including other WMSs and groundwater and surface water interrelationships.
 - (5) A discussion of each threat to agricultural or natural resources identified pursuant to §357.30(7) of this title (relating to Description of the Regional Water Planning Area) including how that threat will be addressed or affected by the WMSs evaluated.
 - (6) If applicable, consideration and discussion of the provisions in Texas Water Code §11.085(k)(1) for Interbasin Transfers of Surface Water. At minimum, this consideration shall include a summation of Water Needs in the basin of origin and in the receiving basin.
 - (7) Consideration of third-party social and economic impacts resulting from voluntary redistributions of water including analysis of third-party impacts of moving water from rural and agricultural areas.
 - (8) A description of the major impacts of recommended WMSs on key parameters of water quality identified by RWPGs as important to the use of a water resource and comparing conditions with the recommended WMSs to current conditions using best available data.
 - (9) Other factors as deemed relevant by the RWPG including recreational impacts.
- (f) RWPGs shall evaluate and present potentially feasible WMSs and WMSPs with sufficient specificity to allow state agencies to make financial or regulatory

decisions to determine consistency of the proposed action before the state agency with an approved RWP.

(g) Implementation of large recommended WMSs and associated WMSPs.

(1) For large recommended WMSs and associated WMSPs, RWPGs must include the following information:

- (A) expenditures of sponsor money;
- (B) permit applications, including the status of a permit application; and
- (C) status updates on the phase of construction of a project.

(2) For purposes of this subchapter, large WMSs include:

- (A) any reservoir
- (B) any seawater desalination
- (C) large direct potable reuse strategies
- (D) large brackish groundwater strategies
- (E) large aquifer storage and recovery strategies
- (F) all water transfers to or from out of state
- (G) any other innovative technology strategies the Executive Administrator considers appropriate.

(h) If an RWPG does not recommend aquifer storage and recovery strategies, seawater desalination strategies, or brackish groundwater desalination strategies it must document the reason(s) in the RWP.

(i) In instances where an RWPG has determined there are significant identified Water Needs in the RWPA, the RWP shall include an assessment of the potential for aquifer storage and recovery to meet those Water Needs. Each RWPG shall define the threshold to determine whether it has significant identified Water Needs. Each RWP shall include, at a minimum, a description of the methodology used to determine the threshold of significant needs. If a specific assessment is conducted, the assessment may be based on information from existing studies and shall include minimum parameters as defined in contract guidance.

(j) Conservation, Drought Management Measures, and Drought Contingency Plans shall be considered by RWPGs when developing the regional plans, particularly during the process of identifying, evaluating, and recommending WMSs. RWPGs shall incorporate water conservation planning and drought contingency planning in the RWPA.

(1) Drought Management Measures including water demand management. RWPGs shall consider Drought Management Measures for each need identified in §357.33 of this title and shall include such measures for each user group to which Texas Water Code §11.1272 (relating to Drought Contingency Plans for Certain Applicants and Water Right Holders) applies. Impacts of the Drought Management Measures on Water Needs must be consistent with guidance

provided by the Commission in its administrative rules implementing Texas Water Code §11.1272. If an RWPG does not adopt a drought management strategy for a need it must document the reason in the RWP. Nothing in this paragraph shall be construed as limiting the use of voluntary arrangements by water users to forgo water usage during drought periods.

(2) Water conservation practices. RWPGs must consider water conservation practices, including potentially applicable best management practices, for each identified Water Need.

(A) RWPGs shall include water conservation practices for each user group to which Texas Water Code §11.1271 and §13.146 (relating to Water Conservation Plans) apply. The impact of these water conservation practices on Water Needs must be consistent with requirements in appropriate Commission administrative rules related to Texas Water Code §11.1271 and §13.146.

(B) RWPGs shall consider water conservation practices for each WUG beyond the minimum requirements of subparagraph (A) of this paragraph, whether or not the WUG is subject to Texas Water Code §11.1271 and §13.146. If RWPGs do not adopt a Water Conservation Strategy to meet an identified need, they shall document the reason in the RWP.

(C) For each WUG or WWP that is to obtain water from a proposed inter-basin transfer to which Texas Water Code §11.085 (relating to Inter-basin Transfers) applies, RWPGs shall include a Water Conservation Strategy, pursuant to Texas Water Code §11.085(l), that will result in the highest practicable level of water conservation and efficiency achievable. For these strategies, RWPGs shall determine, and report projected water use savings in gallons per capita per day based on its determination of the highest practicable level of water conservation and efficiency achievable. RWPGs shall develop conservation strategies based on this determination. In preparing this evaluation, RWPGs shall seek the input of WUGs and WWPs as to what is the highest practicable level of conservation and efficiency achievable, in their opinion, and take that input into consideration. RWPGs shall develop water conservation strategies consistent with guidance provided by the Commission in its administrative rules that implement Texas Water Code §11.085. When developing water conservation strategies, the RWPGs must consider potentially applicable best management practices. Strategy evaluation in accordance with this section shall include a quantitative description of the quantity, cost, and reliability of the water estimated to be conserved under the highest practicable level of water conservation and efficiency achievable.

(D) RWPGs shall consider strategies to address any issues identified in the information compiled by the Board from the water loss audits performed by Retail Public Utilities pursuant to §358.6 of this title (relating to Water Loss Audits).

- (3) RWPGs shall recommend Gallons Per Capita Per Day goal(s) for each municipal WUG or specified groupings of municipal WUGs. Goals must be recommended for each planning decade and may be a specific goal or a range of values. At a minimum, the RWPGs shall include Gallons Per Capita Per Day goals based on drought conditions to align with guidance principles in §358.3 of this title (relating to Guidance Principles).
- (k) RWPGs shall include a subchapter consolidating the RWPG's recommendations regarding water conservation. RWPGs shall include in the RWPGs model Water Conservation Plans pursuant to Texas Water Code §11.1271.

Title 34: PUBLIC FINANCE

Part 1: COMPTROLLER OF PUBLIC ACCOUNTS

Chapter 3: TAX ADMINISTRATION

Subchapter O: STATE AND LOCAL SALES AND USE TAXES

Rule §3.318: Water-Related Exemptions (Tax Code, §§151.314, 151.315, and 151.355)

- (a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Brush control--The selective control, removal, or reduction from watershed rangelands of noxious mesquite, prickly pear, salt cedar, or other deep-rooted woody plants to enhance the availability of water. A brush control service that frees up water is not a taxable real property service as defined in §3.356 of this title (relating to Real Property Service).
 - (2) Desalination--The removal of salts from non-potable or brackish surface water or groundwater so that the water is useable freshwater or high-quality drinking water.
 - (3) Political subdivision--A city, county, district, authority, or any other political subdivision of the State of Texas, any interstate compact commission to which the State of Texas is a party, and any nonprofit water supply corporation that is created and operated under Water Code, Chapter 67.
 - (4) Precipitation enhancement--Cloud seeding to artificially induce rain clouds to produce rain.
 - (5) **rainwater** harvesting--The capture and storage of **rainwater** for subsequent use.
 - (6) Reduction or elimination of water use--The use of devices, services, or supplies for the sole purpose of saving water.
 - (7) Regional water supply or waste water system--A system that the Texas Commission on Environmental Quality certifies as a regional system.
 - (8) Water recycling and reuse--The recapture of water for reuse.
- (b) The following are exempt from sales and use tax. Equipment, services, or supplies when used solely for:

- (1) brush control. Examples of equipment and supplies that are used in brush control include bulldozers, root plows, crawler tractors, hydro axes, chains, roller choppers, aerial sprayers, sling blades, grass seed, and herbicides;
 - (2) desalination;
 - (3) precipitation enhancement. Examples of equipment that is used in precipitation enhancement include aircraft, global positioning systems, weather radar equipment, and seeding chemicals;
 - (4) reduction or elimination of water use. For example, a toilet dam is used to reduce the amount of water used;
 - (5) construction or operation of a:
 - (A) regional water supply or waste water system; or
 - (B) water supply or waste water system by a private entity as a public-private partnership as certified by a political subdivision that is a party to the project;
 - (6) **rainwater** harvesting; or
 - (7) water recycling and reuse.
- (c) Effective date. The effective date of the exemption that is described in subsection (b) of this section is September 1, 2001. A purchaser who claims the exemption must give the seller a properly completed exemption certificate. The purchase, lease, or rental of such items prior to September 1, 2001 is taxable, unless otherwise exempt.
- (d) Divergent use. A person who claims a valid exemption on the purchase, lease, or rental of an item described in subsection (b) of this section, and who then uses the item in a taxable manner, is required to report and pay sales tax to the comptroller based on the fair market rental value of the tangible personal property or fair market value of the taxable service for the period of time that the item is used in a taxable manner. At any time, a purchaser may elect to pay sales tax on the purchase price of the item, but no credit is allowed for taxes that were previously paid based on fair market value. See §3.287 of this title (relating to Exemption Certificates).
- (e) Taxable services performed on exempt items. A person who performs a repair, restoration, remodeling or maintenance service to tangible personal property described in subsection (b) of this section is not required to collect sales tax on that service if the customer provides a properly completed exemption certificate. This exemption applies to services that are performed on or after September 1, 2001.
- (f) Water. The sales tax law specifically exempts the sale of water, including spring water, sparkling water, or mineral water, from sales or use tax. The exemption includes the sale of bottled water and water that a restaurant or any other food service provider sells. An exemption certificate is not required. Flavored water (carbonated or non-carbonated) is a soft drink and is taxable. See §3.293 of this title (relating to Food; Food Products; Meals; Food Service) for further information on soft drinks. The sale of brine water, other than naturally occurring brine water, is taxable.
- (g) Rural Water Assistance Fund. A nonprofit water supply corporation or a nonprofit sewer service corporation is exempt from paying sales tax on the purchase, lease,

or rental of tangible personal property and on the purchase of taxable services for projects that the Rural Water Assistance Fund finances. The nonprofit corporation must keep records that clearly show which taxable items were purchased for projects that the Rural Water Assistance Fund financed.

- (h) Economically Distressed Areas Program (EDAP). A nonprofit water supply corporation or a nonprofit sewer service corporation is exempt from paying sales tax on the purchase, lease, or rental of tangible personal property and on the purchase of taxable services for projects that EDAP finances for an economically distressed area as defined in Water Code, §17.921(1). The nonprofit corporation must keep records that clearly show which taxable items were purchased for projects that the EDAP financed.



THE MEADOWS CENTER
FOR WATER AND THE ENVIRONMENT

TEXAS STATE UNIVERSITY

601 University Drive, San Marcos Texas 78666

512.245.9200 | MeadowsCenter@txstate.edu | www.MeadowsWater.org

MEMBER **THE TEXAS STATE UNIVERSITY SYSTEM**