

EPWU 2011 Budget

Questions Regarding the Hueco Bolson

and the Desalination Plant

1. The 2010 Far West Texas Water Plan shows that Fort Bliss will purchase all of its water needs from EPWU.¹ Where will EPWU get the water?

2. The 2004 Hueco Bolson Report concludes that "With respect to any reasonable planning period (50 or 100 years), groundwater pumping has essentially reached sustainable levels with respect to groundwater storage depletion."² Will EPWU exceed sustainable groundwater pumping levels in order to supply Fort Bliss?

3. EPWU says that "The management of local groundwater requires the recognition of limits with respect to the ability of local groundwater basins to supply water reliably over many decades. Simply increasing local groundwater pumping to meet increased demands has been shown to be an ineffective groundwater management strategy in El Paso County in terms of water quantity (declining groundwater levels) and water quality (brackish groundwater intrusion).³ Will EPWU simply increase groundwater pumping to supply water to Fort Bliss?

4. The 2010 Far West Texas Water Plan says "a significant increase in groundwater pumping is likely to result in unsustainable groundwater management (i.e. declining groundwater levels and declining groundwater storage)."⁴ The plan shows no increase in groundwater pumping during the 60 year planning period.⁵ Will sales to Fort Bliss force EPWU to obtain water for El Paso Citizens from another source?

5. EPWU says that "Under full surface water allocation conditions, municipal surface water supply is about 60,000 AF/yr. Under these conditions, Hueco Bolson groundwater pumping supply is about 50,000 AF/yr,"⁶ Fort Bliss will require 9,004 AF/yr.⁷ How much of the 50,000 AF/yr will go to Fort Bliss and how much will go to El Paso Citizens? If 9004 AF/yr goes to Fort Bliss, will El Paso Citizens have to purchase 9004 AF/yr from another source?

6. The EPWU President CEO says "the real effect of these contracts with Fort Bliss is that the City now has substantially beefed up its drought contingency plan by having additional water

¹ Far West Texas Water Plan, P. 4-9

http://www.twdb.state.tx.us/wrpi/rwp/3rdRound/2010_IPP/RegionE/Region_E_IPP.pdf

² Hueco Bolson Groundwater Conditions and Management Report

El Paso Area March 2004 http://www.epwu.org/water/hueco_bolson.html

³ Past and Present Water Supplies, http://www.epwu.org/water/water_resources.html

⁴ Far West Texas Water Plan, P. 4-19

http://www.twdb.state.tx.us/wrpi/rwp/3rdRound/2010_IPP/RegionE/Region_E_IPP.pdf

⁵ Ibid, P. 4-17

⁶ Ibid 3

⁷ Ibid 1

supply available when there is a serious river drought."⁸ The contracts guarantee that El Paso Citizens will provide 9 mgd of their water to Fort Bliss for 60 years. In return, the contracts guarantee that each El Paso citizen will receive an extra 12 gd during a serious river drought. Have I misunderstood The CEO's statement? Please explain.

7. Do the following PSB Rules and Regulations prohibit the sale of water to Fort Bliss? Has EPWU complied with each of these rules?

- a) "action taken by the Utility must be fair and equitable to all customers."⁹
- b) "in no case shall funds from the utility be used so as to cause an expense to the other customers which would amount to a subsidy without benefits...."¹⁰
- c) Water service is limited to "County residents who are not now served, or who are served on a substandard basis, which condition creates hazards to public health."¹¹
- d) "El Paso Water Utilities is owned by the citizens of El Paso; is operated for the benefit of said citizens as a publicly-owned utility; the rates and charges to each customer should be related to the cost of service and to the benefits received"¹²
- e) "Service extensions will be limited to properties within the extra territorial jurisdiction (ETJ)"¹³ of the city.
- f) EPWU must "assure that costs are assumed by the apparently benefitted parties and not by the general water users of the City and County of El Paso, Texas."¹⁴
- g) EPWU cannot provide water to Fort Bliss unless Fort Bliss "is totally or partially within El Paso County, Texas, and the buildings and all other improvements to be served are included on the tax-rolls of the County of El Paso, Texas."¹⁵
- h) Fort Bliss must be in "Compliance with the City of El Paso's subdivision ordinance and other applicable ordinances and state statutes, as they now read or may be amended."¹⁶
- i) Fort Bliss must provide EPWU "with a complete legal description of all property on which buildings and/or other improvements are proposed to be located that require water or sewer service. This property description shall become a part of the application for service and will be used in calculating the extension charges as provided in Rules and Regulations No. 7. No water and/or sewer service shall be extended to any property other than that which was identified by the owner or applicant for service at the time such service was initially provided. Providing water and/or sewer service directly or indirectly to property other than that originally identified in the application for service is a violation of

⁸ Letter Dated July 24, 2009. **Note:** Avg daily consumption on Peak week =150 mgd. Desal plant produces 22 mgd (80% of 27.5 mgd). Fort Bliss will take 9 mgd leaving 13 mgd for El Paso Citizens. The real effect of the contracts with Fort Bliss is to back up 8.7% (13/150) of Peak consumption. The average person consumes 140 gd. The Desal plant provides 12 gd (8.7% of 140) back up for the average person in case of a drought and guarantees Fort Bliss 9 mgd for 60 years.

⁹ Rules and Regulations No 8, P. 1 http://www.epwu.org/pdf/rules_regs.pdf

¹⁰ Rules and Regulations No 11, Sec. II (B)(3)(a)

¹¹ Ibid, Sec. II (A)(1)(b)

¹² Ibid, Sec. II (A)(1)(a)

¹³ Ibid, Sec. II (A)(1)(b)

¹⁴ Ibid, Sec. II (A)(3)

¹⁵ Ibid, Sec. II (A)(4)(a)

¹⁶Ibid, Sec. II (A)(4)(d)

these rules and regulations and shall be cause for discontinuance of service in accordance with Section IX.¹⁷

- j) Fort Bliss "must negotiate a contract with EPWU specifying contract time, maximum quantity desired, cost of service and other conditions of service."¹⁸
- k) Fort Bliss must "comply with and impose and enforce on their retail customers the Conservation Regulations of the City of El Paso, and its EPWU/PSB."¹⁹ "All water conservation rules and ordinances which are applicable to customers in the City of El Paso shall be applicable to "Outside-City" customers and will be strictly enforced."²⁰
- l) "The purpose of extending service to outside-city customers by the Public Service Board is to promote the public health, safety and welfare of the community of El Paso County. However, it is the intent of the Public Service Board to maintain the viability of the Utility while serving this purpose. Existing customers shall not be burdened with rates and costs associated with the expanded field of service. Therefore, a priority system for consideration of applicants such as included in the "Policies", as amended, which considers need, funding, health issues and engineering feasibility, or as may be determined by the Texas Water Development Board, will be utilized. It is the intent that the Utility will be expanded contiguously without "leapfrogging" in accordance with available funding so as to be in the best interests of the rate-payers, existing and future, and of the Utility."²¹
- m) Fort Bliss must "comply with Section V of Rules and Regulations No. 1, the City Plumbing Code, and the Regulations of the Texas State Department of Health, the rules and regulations of the TNRCC, and all other applicable laws." Fort Bliss must "permit inspection at any reasonable hour by the Department of Public Inspection, the City Plumbing Inspector, the Sanitary Engineer of the City-County Health Unit, the Cross-Connection Control Program Manager, a Water Conservation Enforcement Officer or Technician, Pretreatment Inspectors, or any official employee or representative of the Utility. The purpose of this inspection is to determine whether physical facilities exist on the premises of the user that are a hazard or may create a hazard to the health, safety, or welfare of the citizens of El Paso through possible contamination of the water supply by cross-connections, back siphonage, excessive leaks, or other means which constitute a threat to the water supply or other conditions or activities prohibited by the mandatory water conservation ordinance of the City of El Paso, Chapter 15.13 of the El Paso Municipal Code."²²
- n) Fort Bliss will use the water resources of El Paso Citizens while saving their own water for future use. EPWU service cannot be "provided to a property, or shall be discontinued, when service has already been provided, where underground and/or surface water belonging to the property served is used in a manner that will not reduce by the same amount the water requirements on the property served by the Public Service Board."²³ "Customers with premises having private wells who wish to connect to the public water

¹⁷ Ibid, Sec. II (A)(5)

¹⁸ Ibid, Sec. II (B)(1)(a)

¹⁹ Ibid, Sec. II (B)(1)(f)

²⁰ Ibid, Sec. II (B)(6)

²¹ Ibid, Sec. II (B)(9)(a)

²² Ibid, Sec. V

²³ Ibid, Sec. II (A)(2)

supply shall have the following two options: 1) Agree to permanently abandon use of the private wells by plugging the well, **prior to connecting to the public water supply**, in accordance with Utility procedures and TCEQ requirements; 2) Agree to completely and permanently sever the private well from the premises water supply system in accordance with Utility procedures, **prior to connecting to the public water supply and** Customer shall install an approved backflow prevention assembly at the water service connection."²⁴

8. On May 27, 2004 El Paso Water Utilities (EPWU) promised the BRAC Commission that PSB would build the world's largest inland desalination plant on Fort Bliss property to allow Fort Bliss to keep its' existing wells in reserve as a strategic buffer.²⁵ Did this promise violate the PSB Rules and Regulations cited in Question 7 above?

Jimmy W. Janacek, Retired CPA

²⁴ Rules and Regulations No. 7, Sec. II(m) and No. 11, Sec. II(A)(5) and No. 11, Sec. II(B)(1)(c) and No. 11, Sec. II(B)(3) and **No. 11, Sec. II(B)(4)**

²⁵Team Bliss BRAC Commission Familiarization Briefing 27 May 05, Slide 51.
[http://www.brac.gov/ShowPubDoc.aspx?Doc_st=Fort_Bliss_Installation_Familiarization_Briefing_\(27_May_04\).pdf&Path_st=BRAC\OTHER&DocID_in=9864](http://www.brac.gov/ShowPubDoc.aspx?Doc_st=Fort_Bliss_Installation_Familiarization_Briefing_(27_May_04).pdf&Path_st=BRAC\OTHER&DocID_in=9864)