



April 17, 2023

The Honorable Tracy King  
Chairman, House Committee on Natural Resources  
P.O. Box 2910  
Austin, Texas 78768

RE: HPW Position on House Bill 2496

One of the focuses of Houston Public Works (HPW) is to provide clean, safe, and resilient water to its customers. HPW provides drinking water to upwards of 4.7M people, retail and wholesale, including surrounding communities in the greater Houston area.

Across the Houston area, HPW processes over 146B gallons of water every year and manages an extensive network of infrastructure including: 3 Surface Water Purification Plants, 49 Groundwater Purification Plants, 7,089 miles of water pipe, 170,000 water valves and 62,000 fire hydrants.

The requirements to notify the fire department within one hour from the first notification that a hydrant is unavailable for use when an outage impacts multiple fire hydrants and three hours from the first notification that a hydrant is unavailable for a single fire hydrant, along with providing notice to a regulatory authority within two hours of resuming a service, would adversely affect large municipal public water supply systems such as HPW's.

The bill's verbiage would add significant burden to the operations of these systems. Main breaks are a common challenge in all public water supply systems, and especially in the Houston area where shrink-swell clay soil is prevalent. As repairs are conducted, hydrants can frequently become unavailable due to temporary outages.

Utilities would also need to hire dedicated staff to manage and meet this notification requirement, which ultimately will raise utility costs – and correspondingly, utility rates to customers, creating an economic burden to areas served by the utility.

Ultimately, there is a high likelihood that this amended language will create a large financial burden to smaller and large systems alike.



Given the issues stated above, Houston Public Works respectfully requests an amendment as shown on Attachment 1. Thank you for your consideration.

Sincerely,

DocuSigned by:  
  
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Carol Ellinger Haddock, P.E., Director  
Houston Public Works



ATTACHMENT 1

Bill Number: TX88RHB 2496  
Author: Swanson, Valoree

Filed: 02-17-2023

A BILL TO BE ENTITLED  
AN ACT

1- 1  
1- 2 relating to notice provided by a public water system regarding a  
1- 3 water outage in an area served by a provider of fire protection  
1- 4 services.

1- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1- 6 SECTION 1. Subchapter C, Chapter 341, Health and Safety  
1- 7 Code, is amended by adding Section 341.03561 to read as follows:

1- 8 Sec. 341.03561. NOTIFICATION OF WATER OUTAGE TO PROVIDER OF  
1- 9 FIRE SUPPRESSION SERVICES. (a) In this section:

1-10 (1) "Fire department" has the meaning assigned by  
1-11 Section 795.001.

1-12 (2) "Hydrant" has the meaning assigned by Section  
1-13 341.03571.

1-14 (3) "Regulatory authority" has the meaning assigned by  
1-15 Section 13.002, Water Code.

1-16 (4) "Public safety answering point" has the meaning  
1-17 assigned by Section 772.001.

1-18 (b) The regulatory authority for a public water system  
1-19 responsible for a hydrant shall by rule or ordinance require the  
1-20 public water system to provide to each fire department that  
1-21 provides fire suppression services in the area in which the hydrant  
1-22 is located notice of an unplanned water service interruption that the public water system has  
1-23 actual knowledge of such interruption which  
1-24 results in the a known hydrant being temporarily unavailable for use in a  
fire emergency within a time frame specified by the regulatory authority. as soon as possible,  
but no later than:

2- 1 (1) one hour from the first notification that a  
2- 2 hydrant is unavailable for use when the outage impacts multiple  
2- 3 hydrants; or

2- 4 (2) three hours from the first notification that a  
2- 5 hydrant is unavailable for use when the outage impacts a singular  
2- 6 hydrant.

2- 7 (c) The regulatory authority for a public water system  
2- 8 responsible for a hydrant shall by rule or ordinance require the  
2- 9 public water system to provide to each fire department that  
2-10 provides fire suppression services in the area in which the hydrant  
2-11 is located notice of a planned water service interruption for more than two hours that  
2-12 results in the hydrant being temporarily unavailable for use in a  
2-13 fire emergency prior to a disruption of service.

2-14 (d) The regulatory authority for a public water system 2-15  
2-16 responsible for a hydrant shall by rule or ordinance require the  
2-17 public water system to provide to each fire department that  
2-18 provides fire suppression services in the area impacted by a water  
2-19 service interruption under Subsections (b) or (c) notice of a  
2-20 resumption of service within two hours.

2-21 (e) For the purposes of this section, a hydrant is  
2-22 unavailable for use in a fire emergency if it is unavailable for  
2-23 pumping directly from the hydrant or is unavailable for use in  
2-24 filling a water tank on a fire truck used for fire suppression  
2-25 services.

2-26 (f) The regulatory authority may approve the use of a  
2-27 dynamic information database described by Section 418.192,  
3- 1 Government Code, to satisfy the requirements of Subsections (b),  
3- 2 (c), and (d).

3- 3 (g) The regulatory authority may instead provide notice to a  
3- 4 public safety answering point that relays information to a fire  
3- 5 department that provides fire suppression services in the area in  
3- 6 which an affected hydrant is located, to satisfy the requirements  
3- 7 of Subsections (b), (c), and (d).

3- 8 (h) The fire department and regulatory agency may agree to another notice process that will  
be viewed as satisfying the requirement of Subsections (b), (c), and (d).