



***Application for an Extension of
Time to Commence and
Complete Construction of Allens
Creek Reservoir***

***Presented by
Destiny Rauschhuber
Staff Counsel***



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Water Availability Division - MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4691, FAX (512) 239-2214

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT**
Texas Water Code Section §11.145
TO BE SUBMITTED PRIOR TO EXPIRATION DATE

- **BRA seeks to file an Application with the Texas Commission on Environmental Quality (“TCEQ”), that would extend the deadline to begin and complete construction of Allens Creek Reservoir by ten (10) years.**
- **The current deadline to commence construction of Allens Creek is Sept. 1, 2025, and this application would extend that deadline to Sept. 1, 2035.**



Timeline of Allens Creek Permit No. 2925B

- **Jan. 4, 1984 – Permit 2925 was surrendered by the Houston Lighting & Power Company to the Texas Natural Resources Commission.**
- **Sept. 1, 1999 – Texas Legislature passed SB 1593, recommending Allens Creek as a water supply project and directed the Texas Water Development Board (“TWDB”) to reissue Permit 2925.**
- **Feb. 2, 2000 – Permit 2925 is issued to BRA and the City of Houston, with TWDB financing, and contains the mandatory date to commence construction as September 1, 2018.**
- **July 27, 2011 - TCEQ grants BRA, the City of Houston, and TWDB as co-Permittees an extension of time, with the new date to commence construction as September 1, 2025.**
- **May 2022 – BRA becomes the sole Permittee of Permit No. 2925B after settling negotiations with the City of Houston.**



Administrative Process

Under both the Texas Water and Texas Administrative Codes:

- **If a permit contemplates construction of a storage reservoir, construction shall begin on or before a specified time fixed within the permit.**
- **The TCEQ may extend such deadline for a reasonable period of time.**

Failure to adhere to the fixed timeline embedded within the permit could result in a forfeiture of the permit.

- **It is recommended to file an extension application at least one (1) year out from the deadline if the Permittee has incurred reasonable delays.**
- **Reasonable delays include litigation, settlement negotiations, or other delays beyond the Permittee's control.**



Current and Proposed Deadlines

	Current Deadline	Proposed Deadline
Commence Construction	September 1, 2025	September 1, 2035
Complete Construction	September 1, 2030	September 1, 2040

- **Due to the extensive amount of information required for the federal permitting process, BRA will be unable to begin construction of Allens Creek by Sept. 1, 2025.**
- **BRA has already submitted a preliminary draft of the Application to TCEQ for review and comment. TCEQ had no concerns with the preliminary draft.**



“WHEREAS, the Allens Creek Water Use Permit contains an existing deadline for initiating construction on or before September 1, 2025, and completing construction on or before September 1, 2030, which is inconsistent with the anticipated project timeframe;

WHEREAS, under Texas Water Code § 11.145, BRA may request authorization from TCEQ for an extension of the existing deadlines to commence and complete construction of Allens Creek reservoir;

WHEREAS, the BRA desires to request an extension of time to initiate construction on or before September 1, 2035, and complete construction on or before September 1, 2040; and

WHEREAS, authorization is requested for the General Manager/CEO, on behalf of BRA, to facilitate the execution of and pursue an application for an extension of the existing deadlines for commencement and completion of construction on the Allens Creek reservoir.

BE IT RESOLVED that the Board of Directors hereby authorizes and directs the General Manager/CEO to execute and facilitate the pursuit of an application for an extension of the existing deadlines for commencement and completion of construction on the Allens Creek reservoir.”



Brazos River Authority



Brazos



RIVER AUTHORITY