

Texas Community Fights Back Against Illegally Operating Water Company, Asks State's Public Utility Commission to Ensure Lawful and Reliable Water Supply

(Wimberley, TX | April 30, 2024) – Local Texas community members and conservation advocates are taking action against water utility Aqua Texas (Aqua), an investor-owned utility providing water to thousands of residents in Central Texas. Aqua is a subsidiary of Pennsylvania-based Essential Utilities.

The Trinity Edwards Springs Protection Association (TESPA) announced today it has filed a formal complaint with the Public Utility Commission of Texas (PUC), documenting years of reckless practices by Aqua including the fact that the utility is serving its customers with an illegal groundwater supply. In its filing, TESPAs requests the PUC to either revoke Aquas authority to provide water in the Wimberley area or to mandate significant changes to its operations. The complaint has been docketed by the PUC and assigned an Administrative Law Judge to consider evidence on Aquas alleged violations.

For at least two years, Aqua failed to abide by Texas groundwater law and over-pumped its permit by *more than 150 million gallons*. After years of non-compliance with Texas law, the Hays Trinity Groundwater Conservation District denied Aquas applications to renew groundwater permits in 2023, which means the company currently has no legal access to water supply.

Despite this, Aqua continues to pump without a permit. Their continued violations and dependency on an unlawful groundwater supply means that water for many Hays County customers is unreliable and affects all nearby who depend on Hill Country groundwater. Pumping by Aqua contributed multiple times to Jacob's Well – a key spring that feeds Cypress Creek and economic engine for Wimberley – running dry.

David Baker, the founder and Executive Director of The Watershed Association of the Wimberley Valley area, stated, "We've been working for a long time to try to secure a reasonable plan that is fair to all, but that requires sharing this resource and abiding by permits and planning. All of this falls apart if someone such as Aqua fails to abide by the rules. We have to stand up for our people and for our natural wonders."

TESPAs complaint details the long history of actions that establish Aqua has violated the public trust, placed local residents' water service in jeopardy, and caused Jacob's Well to go dry, including:

- In 2022, Aqua violated its authorized groundwater production limits by **90 million gallons**;
- In 2023, Aqua again exceeded its production limits by another **70 million gallons**;
- Aqua lost **55 million gallons** of water due to leaks in its infrastructure and a lack of maintenance – a direct violation of the PUC's requirements to maintain infrastructure and State and District prohibitions on wasting groundwater;
- As a result of Aquas disregard for restrictions, Jacob's Well stopped flowing on multiple days when it otherwise would have been flowing, causing harm that reached beyond the recreational and aesthetic value of the site and into the entire region's economic vitality;
- Aqua allegedly misrepresented the number of connections within its service areas when it requested authority from the PUC to sell water in those areas, claiming a smaller number than actually existed. Since that time, the number of connections Aqua represented to the PUC has grown by 65 percent - without the company ever demonstrating to the PUC it has an adequate water supply; and

- Aqua continues adding customers in these Hays County communities despite not having a legal water supply.

In January, Aqua sued the local groundwater district in federal court, seeking to prevent its enforcement of groundwater production and drought curtailment rules. Aqua's lawsuit could have far-reaching consequences, as it calls into question the ability of all groundwater districts to manage a utility's groundwater use.

"By filing the suit in federal court, Aqua has challenged the groundwater regulatory scheme in Texas," said Jim Blackburn, Board Chair of TESP. "We could not let that action go unchallenged. We all know we need to be good stewards over our groundwater and protect the relationship between groundwater and surface water. Aqua's actions will smash this fragile balance and must be challenged through all legal pathways."

Adam Friedman, TESP's attorney before the PUC, stated, "We are hopeful the PUC will take a hard look at Aqua's actions and provide its customers and TESP the opportunity to present the strong evidence about what went wrong and what changes are needed. In the long term, this challenge is about promoting responsible water utilities and reasonable groundwater management that protects all Texans."

By this filing, TESP and the Wimberley community will show that the PUC needs to officially revoke and decertify Aqua's CCN and replace it with a responsible utility with a reliable water supply that will stop damaging precious Hill County groundwater resources. This action encompasses all Aqua Texas customers within Woodcreek I, Woodcreek II, and Mountain Crest in Wimberley.

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