



GOVERNOR GREG ABBOTT

September 14, 2026

L'Oreal Stepney, P.E.
Chairwoman
Texas Water Development Board
1700 North Congress Avenue
Austin, Texas 78701

Mr. Bryan McMath
Executive Administrator
Texas Water Development Board
1700 North Congress Avenue
Austin, Texas 78701

Dear Chairwoman Stepney and Administrator McMath:

Major water users, including data centers, appear to have committed civil and criminal violations by failing to provide the Texas Water Development Board (TWDB) with information about water usage as required by the Texas Water Code. I direct TWDB to use its statutory authority to compel major water users to comply with water use reporting requirements and to impose legal consequences for past and future failure to comply with state law. To aid that effort, I direct you to partner with the Electric Reliability Council of Texas (ERCOT) on its upcoming audit of data centers to seek additional water use information.

TWDB is assigned the task of developing a state water plan that meets the needs of all Texans, both today and for years to come. TEX. WATER CODE §§ 6.011–6.012. TWDB cannot perform that task if it is denied the detailed information necessary to assess both existing and anticipated water consumption across Texas. That is why state law obligates entities to respond to a TWDB survey that provides state and regional planners with complete and accurate information. TEX. WATER CODE § 16.012(m) (“Recipients of the survey *shall* complete and return the survey to the executive administrator.”). For the Calendar Year 2025 survey, responses were due on March 1, 2026.

Texas law provides serious consequences for failure to comply with that obligation. “A person who fails to complete and return the survey commits an offense” punishable as a crime. TEX. WATER CODE § 16.012(m); *see* TEX. PENAL CODE §§ 12.03(a)(3), 12.23. Additionally, “[a] person who fails to timely complete and return the survey . . . is ineligible to obtain permits, permit

amendments, or permit renewals from” the Texas Commission on Environmental Quality (TCEQ) for any permit under Chapter 11 of the Texas Water Code. TEX. WATER CODE § 16.012(m); *see id.* §§ 11.001–11.561. TWDB must enforce these remedies against offending data centers, including referring violations to the appropriate County or District Attorney and informing TCEQ for possible permit disqualification.

In carrying out its mission, TWDB is authorized to partner with sister agencies. On August 3, 2026, I directed the Public Utility Commission of Texas (PUC) and ERCOT to conduct a comprehensive audit of all data centers advancing through ERCOT’s interconnection process. That audit requires data centers to provide, among other things, detailed information about their water consumption, sources of water supply, and implementation of water-efficient technologies. Because failure to provide such information “hinders [PUC and ERCOT’s] ability to make fully informed decisions,” I directed that any data center project that fails to complete the audit process must be denied interconnection.

TWDB’s water use surveys serve a similarly important purpose as this data center audit. TWDB must coordinate with PUC and ERCOT to ensure that covered entities provide critical water use information in response. Because TWDB may conduct surveys “in cooperation with other entities of the state” and “[a]ll entities of the state . . . shall cooperate” with TWDB in collecting or using such water data, TEX. WATER CODE § 16.012(a), (d), TWDB must partner with ERCOT to audit water consumption, sources of water supply, and implementation of water-efficient technologies. Any failure to respond to the audit’s request for water use information would trigger TWDB’s independent enforcement authority.

TWDB shall provide an initial update to my office in 30 days concerning the progress of its enforcement activities. TWDB shall continue to update my office thereafter, including when the audit is completed. Thank you for your continued service to Texas and your work to protect our State’s natural resources and communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott", written in a cursive style.

Greg Abbott
Governor

Chairwoman Stepney and Administrator McMath
September 14, 2026
Page 3

cc: Mr. Thomas Gleeson
Chairman
Public Utility Commission of Texas
P.O. Box 13326
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Mr. Pablo Vegas
President and Chief Executive Officer
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