

BILL ANALYSIS

C.S.H.B. 481
By: Kuempel
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that certain changes are needed to allow specific utilities to efficiently manage their treated surface water and groundwater by storing excess drinking water in certain portions of the Edwards Aquifer. C.S.H.B. 481 seeks to address this issue by setting out provisions relating to the storage and recovery of water in a portion of the aquifer.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 481 amends Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to entitle a political subdivision or municipally owned utility causing artificial recharge of a portion of the Edwards Aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter to withdraw the measured amount of water actually injected or artificially recharged. The bill adds as a set of conditions under which the Edwards Aquifer Authority may contract with a political subdivision of the state for injection or artificial recharge of the aquifer for subsequent retrieval if provision is made for protecting and maintaining the quality of groundwater in the receiving part of the aquifer the following set of conditions:

- the water is injected by a municipally owned utility owned by the City of New Braunfels;
- the water has a total dissolved solids concentration of less than 1,500 milligrams per liter and is not domestic wastewater, municipal wastewater, or reclaimed water as those terms are defined by certain provisions of the Texas Administrative Code effective October 31, 2018;
- the injection well terminates in a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter; and
- if the water injected is state water, the utility has a water right or contract for use of the water that does not prohibit the use of the water in an aquifer storage and recovery project.

The bill requires an injection or withdrawal of water under the bill's provisions to comply with requirements imposed under Water Code provisions relating to aquifer storage and recovery projects.

C.S.H.B. 481 amends the Water Code to authorize the Texas Commission on Environmental

Quality by rule to authorize injections of water made in accordance with the set of conditions added by the bill.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 481 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute entitles a municipally owned utility causing artificial recharge of a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter to withdraw the measured amount of water actually injected or artificially recharged.

The substitute includes a condition under which the Edwards Aquifer Authority may contract for injection or artificial recharge of the aquifer based on whether the water injected is state water.

The substitute includes a requirement for the injection or withdrawal of water under the bill's provisions to comply with requirements imposed under Water Code provisions relating to aquifer storage and recovery projects.