

SUBJECT: Evaluation period to designate priority groundwater management areas

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 6 ayes — Ritter, Callegari, Creighton, Frost, Lucio, Smithee
3 nays — Corte, T. King, D. Miller
2 absent — Laubenberg, Martinez Fischer

SENATE VOTE: On final passage, April 6 — 31-0

WITNESSES: For — Greg Ellis, Texas Alliance of Groundwater Districts; (*Registered, but did not testify:* Jim Conkwright, High Plains Underground Water Conservation District No. 1; Harvey Everheart, Mesa Underground Water Conservation District; Tom Forbes, Hemphill County Underground Water Conservation District; C.E. Williams, Panhandle Groundwater Conservation District)

Against — None

On — (*Registered, but did not testify:* Kelly Mills, Texas Commission on Environmental Quality)

BACKGROUND: To enable effective management of the state’s groundwater resources in areas where critical groundwater problems exist or may exist in the future, the Legislature has authorized the Texas Commission on Environmental Quality (TCEQ), the Texas Water Development Board (TWDB), and the Texas Parks and Wildlife Department (TPWD) to study, identify and delineate priority groundwater management areas (PGMA), and initiate oversight and regulation with the creation of groundwater conservation districts (GCDs) within those areas, if necessary. Critical groundwater problems are defined as shortages of surface water or groundwater, land subsidence resulting from withdrawal of groundwater, or contamination of groundwater.

The Texas Commission on Environmental Quality (TCEQ) projects future groundwater production using a 25-year planning horizon to determine areas where oversight and regulation may be needed.

SB 1 by Brown, enacted by the 75th Legislature in 1997, changed the term “critical areas” to “priority groundwater management areas” and authorized TCEQ to implement the PGMA process.

DIGEST:

SB 1386 would increase the evaluation period for possible priority groundwater management area (PGMA) designation from 25 years to 50 years.

TCEQ would be authorized to adopt rules regarding the creation of a district over all or part of a PGMA that was designated as a critical area before September 1, 1997, as well as the addition of land in those PGMAs to an existing district. SB 1386 also would validate all related TCEQ actions, including the adoption of rules, as of the date they occurred.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009. This bill would not be retroactive.

**SUPPORTERS
SAY:**

SB 1386 would extend the planning horizon for designating a PGMA from 25 years to 50 years. This would allow for more comprehensive projections and would correspond to current regional and statewide planning processes, such as the State Water Plan.

Many areas of the state are producing significant amounts of groundwater without proper oversight and regulation by an existing district. SB 1386 would be an important step in designating future PGMAs. Also, the bill would ratify what has been done in the past and would help the TCEQ create districts in areas already designated as PGMAs.

**OPPONENTS
SAY:**

By doubling the planning horizon, there would be much greater potential for a particular area to be designated as a PGMA and thus face district regulation.

Implementation of this change would require previously undesignated areas to be reevaluated by the TCEQ and another four to five studies to be

conducted. The actual management and implementation of extending the planning horizon may not be feasible.