

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 467
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Natural Resources
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Central Texas, especially the Interstate-35 and State Highway 130 corridors, will have a critical need for additional fresh-water supplies over the next several decades to support a burgeoning population and to maintain a viable economic engine in the Austin-San Marcos-San Antonio region. The Edwards Aquifer may be utilized to produce a new supply of drinking water in a broad swath of Central and Southwest Texas, using proven technologies such as aquifer storage and recovery.

Under current law, the Texas Commission on Environmental Quality may not authorize an injection well that transects or terminates in the Edwards Aquifer anywhere in those counties where the Edwards is used as a water supply in part of the county.

C.S.S.B. 467 amends current law relating to power of the Texas Commission on Environmental Quality to authorize certain interjection wells that transect or terminate in the Edwards Aquifer.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Sections 27.0516 and 27.0517, Water Code) of this bill.

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is rescinded in SECTION 3 (Section 27.051, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 27, Water Code, by adding Sections 27.0516 and 27.0517, as follows:

Sec. 27.0516. PERMITS FOR INJECTION WELLS THAT TRANSECT OR TERMINATE IN PORTION OF EDWARDS AQUIFER OUTSIDE BOUNDARIES OF EDWARDS AQUIFER AUTHORITY. (a) Defines, in this section, "Edwards Aquifer," "fresh water," and "saline portion of the Edwards Aquifer."

(b) Provides that this section applies only to the portion of the Edwards Aquifer that is outside the boundaries of the Edwards Aquifer Authority (authority).

(c) Prohibits the Texas Commission on Environmental Quality (TCEQ) by rule or permit, except as otherwise provided by this section, from authorizing an injection well that transects or terminates in the Edwards Aquifer.

(d) Authorizes TCEQ by rule or permit to authorize:

(1) an injection well for the purpose of injecting into the saline portion of the Edwards Aquifer:

(A) concentrate from a desalination facility; and

(B) fresh water as part of a designed aquifer storage and recovery facility;

(2) the injection of the following in a well that transects or terminates in the Edwards Aquifer for the purpose of providing additional recharge:

(A) groundwater withdrawn from the Edwards Aquifer; and

(B) captured storm water runoff, water captured in a rainwater harvesting system, or groundwater withdrawn from an aquifer other than the Edwards Aquifer, if provision is made for protecting and maintaining the quality of water in the receiving portion of the Edwards Aquifer;

(3) the injection of storm water or flood water into the Edwards Aquifer by means of a natural recharge feature such as a sinkhole or cave located in a karst topographic area for the purpose of providing additional recharge; and

(4) an injection well that transects or terminates in the Edwards Aquifer for :

(A) aquifer remediation;

(B) the injection of a nontoxic tracer dye as part of a hydrologic study; or

(C) another beneficial purpose that will protect an underground source of drinking water from pollution.

Sec. 27.0517. PERMITS FOR INJECTION WELLS THAT TRANSECT OR TERMINATE IN PORTION OF EDWARDS AQUIFER INSIDE BOUNDARIES OF EDWARDS AQUIFER AUTHORITY. (a) Defines, in this section, "Edwards Aquifer."

(b) Provides that this section applies only to the portion of the Edwards Aquifer that is inside the boundaries of the authority.

(c) Prohibits TCEQ by rule or permit, except as otherwise provided by this section, from authorizing an injection well that transects or terminates in the Edwards Aquifer.

(d) Authorizes TCEQ by rule or permit to authorize:

(1) the injection of the following in a well that transects or terminates in the Edwards Aquifer for the purpose of providing additional recharge:

(A) groundwater withdrawn from the Edwards Aquifer; and

(B) storm water, flood water, or groundwater from an aquifer other than the Edwards Aquifer, if provision is made for protecting and maintaining the quality of groundwater in the receiving portion of the Edwards Aquifer;

(2) the injection of storm water, flood water, or groundwater from an aquifer other than the Edwards Aquifer by means of a natural recharge feature such as a sinkhole or cave located in a karst topographic area for the purpose of providing additional recharge; and

(3) an injection well that transects or terminates in the Edwards Aquifer for:

(A) aquifer remediation;

(B) the injection of a nontoxic tracer dye as part of a hydrologic study; or

(C) another beneficial purpose that will protect an underground source of drinking water from pollution.

SECTION 2. Amends Section 1.44(e), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(e) Authorizes the authority to contract for injection or other artificial recharge under this section only if:

(1) provision is made for protecting and maintaining the quality of groundwater in the receiving part of the aquifer;

(2) the water used is groundwater withdrawn from the aquifer, or storm water, flood water, or groundwater from an aquifer other than the aquifer, rather than the water used for artificial recharge is groundwater withdrawn from the aquifer; and

(3) the water is recharged through a natural recharge feature such as a sinkhole or cave located in a karst topographic area, or an injection well; or by infiltration.

Makes nonsubstantive changes.

SECTION 3. Repealer: Section 27.051(h) (relating to permit of injection well that transects or terminates in the Edwards Aquifer), Water Code.

SECTION 4. Effective date: September 1, 2011.