

BILL ANALYSIS

Senate Research Center
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H.B. 30
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Agriculture, Water & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that brackish groundwater desalination is one of the water supply strategies that may be used to meet the state's water demands over the next several decades. Brackish groundwater desalination is the process of treating mostly inland water that contains a high level of total dissolved solids to a quality that can be used for drinking water and other uses. It has been reported that there are billions of acre-feet of brackish groundwater in Texas, and the interested parties contend that, although expensive to develop, brackish groundwater supplies could provide a reliable alternative to traditional water supplies. H.B. 30 seeks to encourage and facilitate the development of brackish groundwater.

H.B. 30 amends current law relating to the development of seawater and brackish groundwater.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Provides that, with this state facing an ongoing drought, continuing population growth, and the need to remain economically competitive, this state must secure and develop plentiful and cost-effective water supplies to meet the ever-increasing demand for water.

(b) Provides that brackish groundwater is a potential new source of water for municipal, industrial, and other purposes. Provides that this state has an estimated 880 trillion gallons of brackish groundwater, much of which is untapped. Provides that for many years this water was considered largely useless for most purposes, but advances in technology and pressures on other supplies have revealed that brackish groundwater is in fact a vital resource. Provides that the development of brackish groundwater, in addition to providing potentially vast new supplies, can reduce pressures on the use of fresh groundwater.

(c) Provides that many in the oil and gas industry in this state have made significant strides to replace the use of fresh groundwater in their operations with brackish groundwater. Provides that this is a positive trend, and this Act is not intended to discourage the continued or expanded use of brackish groundwater for oil and gas development or to establish regulatory barriers or permitting requirements for the use of brackish groundwater for that purpose.

(d) Provides that the purpose of this Act is to provide meaningful incentives for the development of brackish groundwater in areas where that development would have a minimal impact on existing fresh groundwater use, while respecting private property rights in groundwater and continuing to encourage the use of brackish groundwater for purposes other than human consumption.

SECTION 2. Amends Section 16.053(e), Water Code, to require each regional water planning group to submit to the Texas Water Development Board (TWDB) a regional water plan that includes but is not limited to consideration of opportunities for and the benefits of developing

large-scale desalination facilities for seawater or brackish groundwater that serve local or regional brackish groundwater production zones identified and designated under Section 16.060(b)(5), and to make a nonsubstantive change.

SECTION 3. Amends Section 16.060, Water Code, by amending Subsections (a) and (b) and adding Subsections (d) and (e), as follows:

(a) Requires TWDB to undertake or participate in research, feasibility and facility planning studies, investigations, and surveys as it considers necessary to further the development of cost-effective water supplies from seawater or brackish groundwater desalination in the state.

(b) Requires TWDB to prepare a biennial progress report on the implementation of seawater or brackish groundwater desalination activities in the state and to submit it to the governor, lieutenant governor, and speaker of the house of representatives not later than December 1 of each even-numbered year. Requires that the report include:

(1) results of TWDB's studies and activities relative to seawater or brackish groundwater desalination during the preceding biennium;

(2) identification and evaluation of research, regulatory, technical, and financial impediments to the implementation of seawater or brackish groundwater desalination projects;

(3) evaluation of the role the state should play in furthering the development of large-scale seawater or brackish groundwater desalination projects in the state;

(4) the anticipated appropriation from general revenues necessary to continue investigating water desalination activities in the state during the next biennium; and

(5) identification and designation of local or regional brackish groundwater production zones in areas of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of fresh groundwater and that:

(A) are separated by hydrogeologic barriers sufficient to prevent significant impacts to water availability or water quality in any area of the same or other aquifers, subdivisions of aquifers, or geologic strata that have an average total dissolved solids level of 1,000 milligrams per liter or less at the time of designation of the zones; and

(B) are not located in:

(i) an area of the Edwards Aquifer subject to the jurisdiction of the Edwards Aquifer Authority;

(ii) the boundaries of the:

(a) Barton Springs-Edwards Aquifer Conservation District;

(b) Harris-Galveston Subsidence District; or

(c) Fort Bend Subsidence District;

(iii) an aquifer, subdivision of an aquifer, or geologic stratum that:

(a) has an average total dissolved solids level of more than 1,000 milligrams per liter; and

(b) is serving as a significant source of water supply for municipal, domestic, or agricultural purposes at the time of designation of the zones; or

(iv) an area of a geologic stratum that is designated or used for wastewater injection through the use of injection wells or disposal wells permitted under Chapter 27 (Injection Wells).

(d) Requires TWDB to work together with groundwater conservation districts and stakeholders and to consider the Brackish Groundwater Manual for Texas Regional Water Planning Groups, and any updates to the manual, and other relevant scientific data or findings when identifying and designating brackish groundwater production zones under Subsection (b)(5).

(e) Requires TWDB, in designating a brackish groundwater production zone under this section, to:

(1) determine the amount of brackish groundwater that the zone is capable of producing over a 30-year period and a 50-year period without causing a significant impact to water availability or water quality as described by Subsection (b)(5)(A); and

(2) include in the designation description:

(A) the amounts of brackish groundwater that the zone is capable of producing during the periods described by Subdivision (1); and

(B) recommendations regarding reasonable monitoring to observe the effects of brackish groundwater production within the zone.

SECTION 4. (a) Requires TWDB to include in the biennial progress report required by Section 16.060, Water Code, that is due not later than December 1, 2016, an identification and designation of brackish groundwater production zones as required by that section as amended by this Act for the following:

(1) the portion of the Carrizo-Wilcox Aquifer located between the Colorado and Rio Grande Rivers;

(2) the Gulf Coast Aquifer and sediments bordering that aquifer;

(3) the Blaine Aquifer; and

(4) the Rustler Aquifer.

(b) Requires TWDB, not later than December 1, 2022, to identify and designate brackish groundwater production zones for areas of this state not described by Subsection (a) of this section.

SECTION 5. Effective date: upon passage or September 1, 2015.