

BILL ANALYSIS

Senate Research Center

S.B. 483
By: Campbell
Water & Rural Affairs
6/13/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The City of Buda is located in one of the fastest growing areas of the state. Currently, the city relies on groundwater from the Edwards Aquifer for roughly one-third of their needs and another two-thirds purchased surface water to meet the demands of their population growth. Investment in Aquifer Storage and Recovery (ASR) would allow the city to address future water needs, especially in the event of a drought.

C.S.S.B 483 would amend Section 27.0516 of the Water Code relating to permits for injection wells that transect a portion of the Edwards Aquifer. The bill would allow a municipality to inject fresh drinking water into a well transecting the Edwards Aquifer as part of an engineered ASR system. Construction, permitting, and monitoring of the well would all be overseen by the Texas Commission on Environmental Quality. The language of this bill would apply to the City of Buda in an area of the Trinity Aquifer managed by the Barton Springs Edwards Aquifer Conservation District. (Original Author's/Sponsor's Statement of Intent)

S.B. 483 amends current law relating to permits for certain injection wells that transect a portion of the Edwards Aquifer.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 2 (27.0516, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 27.0516(a)(1), Water Code, as follows:

(1) Defines "Edwards Aquifer" as that portion of an arcuate belt of porous, waterbearing limestones composed of certain formations, together with the Upper Glen Rose Formation where scientific studies have documented a hydrological connection to the overlying Edwards Group trending from west to east to northeast through certain counties.

SECTION 2. Amends Sections 27.0516(b), (f), (h), (k), and (n), Water Code, as follows:

(b) Specifies that this section applies only to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Conservation District but is not in the jurisdiction of the Edwards Aquifer Authority, rather than within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Authority but is not in that district's territory or the territory of the Edwards Aquifer Authority. Provides that this section does not apply to a wastewater facility permitted under Chapter 26 (Water Quality Control) or a subsurface area drip dispersal system permitted under Chapter 32 (Subsurface Area Drip Dispersal System).

(f) Authorizes the Texas Commission on Environmental Quality (TCEQ) by rule, individual permit, or general permit, rather than authorizing TCEQ by general permit, to authorize:

(1)–(2) makes no changes to these subdivisions;

(3)–(4) makes nonsubstantive changes to these subdivisions; or

(5) the injection of fresh water into a well that transects the Edwards Aquifer provided that:

(A) the well isolates the Edwards Aquifer and meets the construction and completion standards adopted by TCEQ under Section 27.154 (Technical Standards);

(B) the well is part of an engineered aquifer storage and recovery facility;

(C) the injected water:

(i) is sourced from a public water system, as defined by TCEQ rule, that is permitted by TCEQ; and

(ii) meets water quality standards for public drinking water established by TCEQ rule; and

(D) the injection complies with the provisions of Subchapter G (Aquifer Storage and Recovery Projects) that are not in conflict with this section.

(h) Provides that rules adopted or a permit, rather than a general permit, issued under this section:

(1) are required to require that an injection well authorized by the rules or permit be monitored by means of:

(A) one or more monitoring wells, rather than a monitoring well, operated by the injection well owner if TCEQ determines that there is an underground source of drinking water in the area of review that is potentially affected by the injection well; or

(B) makes conforming changes to this paragraph;

(2) makes no changes to this subdivision;

(3) are prohibited from authorizing of an injection well under Subsection (f)(2), (3), or (5), rather than Subsection (f)(2) or (3), unless the well is initially associated with a small-scale research project designed to evaluate the long-term feasibility and safety of certain projects or injections;

(4) makes no changes to this subdivision;

(5)–(6) makes nonsubstantive changes to these subdivisions; and

(7) are required to ensure that an engineered aquifer storage and recovery facility project is consistent with the provisions of Subchapter (G) that are not in conflict with this section.

(k) Authorizes TCEQ by rule, individual permit, or general permit, rather than authorizing a general permit, notwithstanding Subsection (h)(3), to authorize the owner of an injection well authorized under Subsection (f)(2), (3), or (5), rather than (f)(2) or (3), to continue operating the well for the purpose of implementing the desalination or engineered aquifer storage and recovery project following completion of the small-scale research project, provided that:

(1) makes no changes to this subdivision;

(2) includes formations included in the Trinity Group among the sites the risk to which associated with the continued operation of the injection wells injection well owners are required to adequately study and monitor; and

(3) makes a conforming change to this subdivision.

(n) Includes formations included in the Trinity Group among sites regarding which TCEQ makes a determination regarding risk associated with the continued operation of the well. Includes operational controls among the interventions TCEQ is required to specify to the injection well operator would be adequate to prevent an unreasonable risk, if TCEQ preliminarily determines that continued operation of the well would pose certain risks.

SECTION 3. Makes application of this Act, with regard to an application for an authorization described by Section 27.0516, Water Code, as amended by this Act, prospective.

SECTION 4. Effective date: upon passage or September 1, 2019.