

BILL ANALYSIS

Senate Research Center
86R7835 SLB-F

S.B. 483
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Water & Rural Affairs
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As Filed

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.

S.B. 483 would amend Section 27.0516, 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.

As proposed, 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) and (3), Water Code, as follows;

(1) Provides that "Edwards Aquifer" means that portion of an arcuate belt of porous, waterbearing limestones composed of certain formations, together with the Upper Glen Rose Formation where there is a significant hydrological connection to the overlying Edwards Group. Deletes text relating to Edwards Aquifer trending from west to east to northeast through certain counties. Provides that the permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south and underlie the less-permeable Del Rio Clay regionally. Deletes text relating to the permeable aquifer units overlying the less-permeable Comanche Peak and Walnut Formations north of the Colorado River.

(3) Provides that "fresh water" means surface water or groundwater, without regard to whether the water has been physically, chemically, or biologically altered, that:

(A) makes a nonsubstantive change;

(B) meets the water quality standards for public drinking water established by Texas Commission on Environmental Quality (TCEQ) rule; and

(C) creates this paragraph from existing text.

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 is not in that district's territory or the territory of the Edwards Aquifer Authority.

(f) Authorizes TCEQ by general permit to authorize:

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

(3)–(4) makes nonsubstantive changes;

(5) the injection of freshwater 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 recover facility;

(C) the injected water is sourced from a public water system, as defined by TCEQ rule, that is permitted by TCEQ; 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 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;

(2) are required to ensure that an authorized activity will not result in the waste or pollution of native ground water, rather than fresh water;

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

(4) makes no changes to this subdivision;

(5)–(6) makes nonsubstantive changes; and

(7) are required to be consistent with the provisions of Subchapter (G) that are not in conflict with this section.

(k) Authorizes a general permit, notwithstanding Subsection (h)(3), to authorize the owner of an injection well authorized under Subsection (f)(2), (3), or (5) 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 the Trinity Aquifer or other native groundwater, rather than other fresh water, among the fresh water portion of the Edwards Aquifer associated with the continued operation of the injection wells that injection well owners are required to adequately study and monitor; and

(3) makes conforming changes.

(n) Includes the Trinity Aquifer or other native groundwater, rather than other fresh water, among the fresh water portion of the Edwards Aquifer 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. Effective date: upon passage or September 1, 2019.