

BILL ANALYSIS

C.S.S.B. 483
By: Campbell
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls for certain entities to be allowed to pursue aquifer storage and recovery projects to ensure a reliable water supply. C.S.S.B. 483 seeks to address this issue by providing for permits for certain injection wells that are part of an aquifer storage and recovery project that transects a portion of the Edwards Aquifer.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 483 amends the Water Code, for purposes of provisions relating to a permit for an injection well that transects or terminates in a portion of the Edwards Aquifer within the external boundaries of the Barton Springs-Edwards Aquifer Conservation District, to change the applicability of the provisions from 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 that district's territory or the territory of the Edwards Aquifer Authority to the portion of the Edwards Aquifer that is within that geographic area but is not in the jurisdiction of the Edwards Aquifer Authority. The bill redefines "Edwards Aquifer" for the purposes of such provisions and makes the provisions inapplicable to a permitted wastewater facility and a permitted subsurface area drip dispersal system.

C.S.S.B. 483 provides the option for the Texas Commission on Environmental Quality (TCEQ) to authorize certain injection activities and injection wells by rule or individual permit as an alternative to doing so by general permit. The bill includes among the injection activities that may be authorized the injection of fresh water into a well that transects the Edwards Aquifer provided that:

- the well isolates the Edwards Aquifer and meets applicable construction and completion standards adopted by TCEQ;
- the well is part of an engineered aquifer storage and recovery facility;
- the injected water is sourced from a public water system, as defined by TCEQ rule, that is permitted by TCEQ and the injected water meets water quality standards for public drinking water established by TCEQ rule; and
- the injection complies with nonconflicting aquifer storage and recovery project

provisions.

The bill extends to such an injection well provisions prohibiting applicable rules or a permit from authorizing an injection well unless the well is initially associated with certain small-scale research projects. The bill also extends to such an injection well provisions authorizing TCEQ to authorize the owner of an injection well to continue operating the well for the purpose of implementing a desalination or engineered aquifer storage and recovery project following completion of a small-scale research project if certain conditions are met. The bill revises such conditions to include consideration of the risks to the formations included in the Trinity Group. The bill provides for the specification of operational controls for the prevention of unreasonable risk in applicable circumstances.

C.S.S.B. 483 revises requirements for rules adopted or a permit issued under provisions relating to a permit for an injection well that transects or terminates in a portion of the Edwards Aquifer within the external boundaries of the Barton Springs-Edwards Aquifer Conservation District with regard to the number of monitoring wells and requires such rules and permits to ensure that an engineered aquifer storage and recovery facility project is consistent with nonconflicting aquifer storage and recovery project provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 483 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute, with respect to the authorization for TCEQ by rule, individual permit, or general permit to authorize the injection of fresh water into a well that transects the Edwards Aquifer, changes a condition under which such injection is authorized from requiring the injected water to be either sourced from an applicable public water system or meet applicable water quality standards to requiring the injected water to be both sourced as such and meet such standards.