SUBJECT: Restricting artificial recharge of the Edwards Aquifer

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 8 ayes — Counts, Cook, Corte, Hilderbran, Hope, R. Lewis, Puente, Walker

0 nays

1 absent — T. King

WITNESSES: For — Paul Edwards and Vic Hilderbran, Uvalde Underground Water Conservation District

Against — Maurice A. Rimkus

BACKGROUND: The 73rd Legislature in 1993 created the Edwards Aquifer Authority to manage the use of groundwater from the aquifer, a water source that serves more that 1.75 million people.

An injection well is an artificial opening in the ground through which pressurized liquid industrial waste, agricultural runoff, or other fluids are injected into aquifers. Injection wells also are used to pump water into an aquifer, recharging it to raise the level of the water table. The Injection Well Act authorizes the Texas Natural Resource Conservation Commission (TNRCC) to require a permit for drilling or using an injection well.

DIGEST: CSHB 2409 would allow the Edwards Aquifer Authority (EAA) to contract for artificial recharge of the aquifer only if steps were taken to protect water quality in the aquifer and the recharge water had been withdrawn from the aquifer within the EAA's boundaries or was recharged through a natural recharge feature.

TNRCC only could approve a permit for an injection well that passed through or terminated in the Edwards Aquifer if the injected fluid was groundwater withdrawn from the aquifer, including the portion of the aquifer beyond the boundaries of the EAA.

The bill would take effect September 1, 2001 and would apply only to permit applications filed with the TNRCC after that date.

SUPPORTERS SAY:

CSHB 2409 would help protect water quality in the Edwards Aquifer. In many areas, water in the aquifer is above drinking water quality standards. The aquifer is a major source of drinking water for San Antonio and many surrounding communities. Artificially recharging the aquifer with inferior water would degrade the quality of the aquifer. In addition, a number of endangered species — the fountain darter, San Marcos gambusia, Texas blind salamander, San Marcos salamander, and Texas wild rice — live in springs fed by the aquifer.

CSHB 2409 would protect water supplies of communities dependent on water from adjacent aquifers, such as the Carrizo-Wilcox and Trinity. It would prevent water from being pumped out of these aquifers and injected into the Edwards Aquifer to be sold as water rights to San Antonio or the next highest bidder. Municipal areas always are going to be able to pay more for water than the rural areas, so this bill would prevent water prospectors from jeopardizing the water supplies of communities surrounding the Edwards for financial gain.

OPPONENTS SAY:

CSHB 2409 would restrict an option for managing aquifer supplies that may be necessary in the future. Water demand on the aquifer will increase as population in the region increases. Options such as aquifer recharge should remain available for future generations.

OTHER OPPONENTS SAY:

CSHB 2409 would not go far enough. It might allow water to be withdrawn from portions of the aquifer supplying Uvalde to be injected into portions of the aquifer supplying San Antonio. The Knippa Gap is an area separating Uvalde and San Antonio where water moves so slowly that it would not be feasible for pumping. Water supplies in Uvalde could be jeopardized by allowing recharge of the San Antonio portion of the aquifer with groundwater from Uvalde, on the other side of the gap.

NOTES:

The companion bill, SB 1069 by Armbrister, has been referred to the Senate Natural Resources Committee.

The substitute differs from the original version by allowing groundwater from the Edwards Aquifer to be recharged to the aquifer instead of only surface water.