

## **BILL ANALYSIS**

Senate Research Center  
81R7348 HLT-D

S.B. 1238  
By: Ogden  
Natural Resources  
3/20/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Carrizo-Wilcox aquifer (aquifer) extends from deep South Texas to Arkansas and Louisiana and includes three distinct formations: the Hooper, the Simsboro, and the Calvert Bluff. It provides water to municipalities and private property owners in about 60 counties in Texas. The aquifer is clearly an essential natural resource that must be monitored and carefully managed. Currently, there is no aquifer-wide consideration under current water management practices in Texas.

As proposed, S.B. 1238 requires an aquifer-wide study of the impact of rules and plans adopted by groundwater conservation districts (GCD) and of determinations made by GCDs in connection with the joint planning process relating to groundwater management areas in the aquifer boundaries. S.B. 1238 requires the agencies conducting the study to report to and advise the legislature on its findings.

### **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. DEFINITION. Defines "commission."

SECTION 2. STUDY. (a) Requires the Texas Commission on Environmental Quality (TCEQ) to conduct a study regarding the impact on the entire Carrizo-Wilcox aquifer of rules and plans adopted by groundwater conservation districts (GCD) in whose boundaries the aquifer is located and of determinations made by GCDs in connection with the joint planning process relating to groundwater management areas (GMAs) in whose boundaries the aquifer is located. Requires TCEQ, in conducting the study, to examine whether the rules and plans adopted by each GCD are based on sound scientific principles, adequately conserve and protect the aquifer and ensure the achievement of the applicable desired future condition for each part of the district, and are likely to affect other GCDs or GMAs; whether each district is enforcing substantial compliance with its rules; whether the desired future conditions established under Section 36.108 (Joint Planning in Management Area), Water Code, in each GMA are reasonable and based on sound scientific principles, and whether the rules adopted by each district are designed to achieve the applicable desired future condition; other long-term impacts of the applicable rules and plans on the aquifer, taking into consideration certain factors; and whether the presence of contaminants in the recharge area of the aquifer and the potential pollution of the aquifer are issues that should be addressed and, if so, by whom.

(b) Requires the Texas Water Development Board and the Bureau of Economic Geology of The University of Texas at Austin to assist TCEQ in conducting the study under this section.

(c) Authorizes TCEQ to contract with any appropriate person to assist TCEQ in conducting the study under this section.

SECTION 3. REPORT. Requires TCEQ, not later than December 31, 2012, to report the results of the study conducted under this Act to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and the house of

representatives that have primary jurisdiction over natural resources. Authorizes that the report include TCEQ's recommendations for legislation to address any areas of concern.

SECTION 4. EXPIRATION. Provides that this Act expires August 31, 2013.

SECTION 5. EFFECTIVE DATE. Effective date: upon passage or September 1, 2009.