

BILL ANALYSIS

Senate Research Center

S.B. 520
By: Campbell; Zaffirini
Water & Rural Affairs
6/17/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The City of New Braunfels is located in one of the fastest growing counties in the state. Aquifer storage and recovery (ASR) provides a responsible way for the city to address this growth to meet future water needs.

S.B. 520 would amend Section 1.44, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, relating to well injections made in accordance with the Edwards Aquifer Authority Act. The bill would allow the City of New Braunfels to inject fresh water with a total dissolved solids concentration of less than 1,500 milligrams per liter into a portion of the Edwards Aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter. Oversight by the Edwards Aquifer Authority would ensure that the integrity of the aquifer and quality of groundwater would be protected. (Original Author's/Sponsor's Statement of Intent)

S.B. 520 amends current law relating to the storage and recovery of water in a portion of the Edwards Aquifer.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 2 (Section 27.051, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.44, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by amending Subsections (c) and (e) and adding Subsection (c-1) and (e-1), as follows:

(c) Provides that, except as provided by Subsection (c-1), the political subdivision causing artificial recharge of the aquifer is entitled to withdraw during any 12-month period the measured amount of water actually injected or artificially recharged during the preceding 12-month period, as demonstrated and established by expert testimony, less a certain amount determined by the authority.

(c-1) Provides that a political subdivision or municipally owned utility causing artificial recharge of a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter is entitled to withdraw the measured amount of water actually injected or artificially recharged.

(e) Authorizes the authority to contract for injection or artificial recharge under this section only if provision is made for protecting and maintaining the quality of groundwater in the receiving part of the aquifer, and:

(1)–(2) makes nonsubstantive changes to these subdivisions; or

(3) the water is injected by a municipally owned utility owned by the City of New Braunfels, and:

(A) the water has a total dissolved solids concentration of less than 1,500 milligrams per liter and is not domestic wastewater, municipal wastewater, or reclaimed water as those terms are defined by 30 T.A.C. Chapter 210, effective October 31, 2018; and

(B) the injection well terminates in a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter; and

(C) if the water injected is state water, the utility has a water right or contract for use of the water that does not prohibit use of the water in an aquifer storage and recovery project.

(e-1) Requires the injection or withdrawal of water under Subsection (c-1) or (e)(3) to comply with requirements imposed under Subchapter G (Aquifer Storage and Recovery Projects), Chapter 27, Water Code.

SECTION 2. Amends Section 27.051(i), Water Code, as follows:

(i) Provides that, for purposes of this subsection, "Edwards Aquifer" has the meaning assigned by Section 26.046(a). Prohibits, except as otherwise provided by this section (Issuance of Permit), the Texas Commission on Environmental Quality (TCEQ) from authorizing by rule or permit an injection well that transects or terminates in the Edwards Aquifer. Authorizes TCEQ by rule to authorize:

(1) creates this subdivision from existing text and makes a nonsubstantive change;

(2) creates this subdivision from existing text and makes a nonsubstantive change;
or

(3) injections of water made in accordance with Section 1.44(e)(3), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993. Deletes existing text relating to the definition of "Edwards Aquifer."

SECTION 3. Effective date: September 1, 2019.