

BILL ANALYSIS

H.B. 1508
By: Bolton
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Barton Springs-Edwards Aquifer Conservation District was formed by the 70th Legislature in 1987 and approved by the voters to "conserve, preserve, protect, and enhance" the groundwater resources in a 250 square mile area. The district has approximately 100 permittees, and about 90 percent of the water they produce is for public water supply and domestic use. The district is the primary or sole source of water for drinking, cooking, personal hygiene, and other domestic uses by more than 50,000 Central Texans, and its iconic natural discharge is the fourth largest spring in Texas, enjoyed by hundreds of thousands of visitors each year.

The hydrogeology of the Barton Springs segment of the Edwards Aquifer is unique in this state; it can be depleted by use and naturally replenished much more rapidly than most other aquifers, and this makes it highly vulnerable to inflows of poor quality water. Direct discharge in the recharge zone is already prohibited by rules of the Texas Commission on Environmental Quality, but all directly discharged effluent in the contributing zone flows downstream a relatively short distance to the recharge zone and almost immediately becomes the primary, continuous recharge for this segment of the aquifer during most of the year, rather than the natural high-quality stream flow of Barton Springs. Streams in the contributing zone, just upstream of the recharge zone, create 85 percent of the recharge in the segment, and their existing high water quality, small size, and intermittent nature make them vulnerable to degradation by poor quality surface water. Prohibiting direct discharge into the contributing zone is not anti-growth and is reasonable public policy to ensure that the substantial residential growth that is occurring, and that will continue to occur, is not accompanied by foreseeable and avoidable water quality problems. This would not prevent application of treated wastewater to land adjacent to waters of the state, which is currently successfully deployed in this area.

H.B. 1508 prohibits the commission from authorizing any additional direct discharges of effluent in the recharge zone of the Barton Springs segment of the Edwards Aquifer that is under jurisdiction of the district, or the associated contributing zone. The bill does not affect discharges of certain stormwater and non-stormwater authorized by a TPDES permit.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1508 amends the Water Code to prohibit the Texas Commission on Environmental Quality from issuing a new permit authorizing the direct discharge of waste or pollutants into any water in the portion of the recharge zone of the Barton Springs segment of the Edwards Aquifer that is under the jurisdiction of the Barton Springs-Edwards Aquifer Conservation District or the contributing zone associated with that recharge zone. The bill prohibits the commission from amending a permit issued before September 1, 2009, to authorize an increase in the amount of waste or pollutants that may be directly discharged into those zones. The bill clarifies that its

provisions do not affect the authority of the commission to authorize stormwater and certain non-stormwater discharges as specified in the commission's individual permits for municipal separate storm sewer systems and the commission's general permits for stormwater and associated non-stormwater discharges from small municipal separate storm sewer systems, industrial facilities, and construction activities.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.