

By: Ogden

S.B. No. 1238

A BILL TO BE ENTITLED

AN ACT

relating to a study regarding the Carrizo-Wilcox aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITION. In this Act, "commission" means the Texas Commission on Environmental Quality.

SECTION 2. STUDY. (a) The commission shall conduct a study regarding the impact on the entire Carrizo-Wilcox aquifer of rules and plans adopted by groundwater conservation districts in whose boundaries the aquifer is located and of determinations made by groundwater conservation districts in connection with the joint planning process relating to groundwater management areas in whose boundaries the aquifer is located. In conducting the study, the commission shall examine:

(1) whether the rules and plans adopted by each groundwater conservation district:

(A) are based on sound scientific principles;

(B) adequately conserve and protect the aquifer and ensure the achievement of the applicable desired future condition for each part of the district; and

(C) are likely to affect other groundwater conservation districts or groundwater management areas;

(2) whether each district is enforcing substantial compliance with its rules;

(3) whether the desired future conditions established

1 under Section 36.108, Water Code, in each groundwater management  
2 area are reasonable and based on sound scientific principles, and  
3 whether the rules adopted by each district are designed to achieve  
4 the applicable desired future condition;

5 (4) other long-term impacts of the applicable rules  
6 and plans on the aquifer, taking into consideration:

7 (A) projected population and agricultural,  
8 municipal, and industrial demands for water from the aquifer;

9 (B) the effect of the demands described by  
10 Paragraph (A) of this subdivision on the viability of the aquifer;

11 (C) the social and economic consequences of any  
12 probable long-term impact on the aquifer; and

13 (D) other appropriate factors as determined by  
14 commission rule; and

15 (5) whether the presence of contaminants in the  
16 recharge area of the aquifer and the potential pollution of the  
17 aquifer are issues that should be addressed and, if so, by whom.

18 (b) The Texas Water Development Board and the Bureau of  
19 Economic Geology of The University of Texas at Austin shall assist  
20 the commission in conducting the study under this section.

21 (c) The commission may contract with any appropriate person  
22 to assist the commission in conducting the study under this  
23 section.

24 SECTION 3. REPORT. Not later than December 31, 2012, the  
25 commission shall report the results of the study conducted under  
26 this Act to the governor, the lieutenant governor, the speaker of  
27 the house of representatives, and the standing committees in the

1 senate and the house of representatives that have primary  
2 jurisdiction over natural resources. The report may include the  
3 commission's recommendations for legislation to address any areas  
4 of concern.

5 SECTION 4. EXPIRATION. This Act expires August 31, 2013.

6 SECTION 5. EFFECTIVE DATE. This Act takes effect  
7 immediately if it receives a vote of two-thirds of all the members  
8 elected to each house, as provided by Section 39, Article III, Texas  
9 Constitution. If this Act does not receive the vote necessary for  
10 immediate effect, this Act takes effect September 1, 2009.