

1-1 By: Wentworth S.B. No. 467  
1-2 (In the Senate - Filed January 31, 2011; February 14, 2011,  
1-3 read first time and referred to Committee on Natural Resources;  
1-4 April 28, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 28, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 467 By: Fraser

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to power of the Texas Commission on Environmental Quality  
1-11 to authorize certain injection wells that transect or terminate in  
1-12 the Edwards Aquifer.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter D, Chapter 27, Water Code, is amended  
1-15 by adding Sections 27.0516 and 27.0517 to read as follows:

1-16 Sec. 27.0516. PERMITS FOR INJECTION WELLS THAT TRANSECT OR  
1-17 TERMINATE IN PORTION OF EDWARDS AQUIFER OUTSIDE BOUNDARIES OF  
1-18 EDWARDS AQUIFER AUTHORITY. (a) In this section:

1-19 (1) "Edwards Aquifer" has the meaning assigned by  
1-20 Section 26.046(a).

1-21 (2) "Fresh water" means water that contains a total  
1-22 dissolved solids concentration of not more than 1,000 milligrams  
1-23 per liter and is otherwise suitable as a source of drinking water  
1-24 supply.

1-25 (3) "Saline portion of the Edwards Aquifer" means the  
1-26 portion of the Edwards Aquifer that contains only groundwater with  
1-27 a total dissolved solids concentration of more than 1,000  
1-28 milligrams per liter.

1-29 (b) This section applies only to the portion of the Edwards  
1-30 Aquifer that is outside the boundaries of the Edwards Aquifer  
1-31 Authority.

1-32 (c) Except as otherwise provided by this section, the  
1-33 commission by rule or permit may not authorize an injection well  
1-34 that transects or terminates in the Edwards Aquifer.

1-35 (d) The commission by rule or permit may authorize:

1-36 (1) an injection well for the purpose of injecting  
1-37 into the saline portion of the Edwards Aquifer:

1-38 (A) concentrate from a desalination facility;  
1-39 and

1-40 (B) fresh water as part of a designed aquifer  
1-41 storage and recovery facility;

1-42 (2) the injection of the following in a well that  
1-43 transects or terminates in the Edwards Aquifer for the purpose of  
1-44 providing additional recharge:

1-45 (A) groundwater withdrawn from the Edwards  
1-46 Aquifer; and

1-47 (B) captured storm water runoff, water captured  
1-48 in a rainwater harvesting system, or groundwater withdrawn from an  
1-49 aquifer other than the Edwards Aquifer, if provision is made for  
1-50 protecting and maintaining the quality of water in the receiving  
1-51 portion of the Edwards Aquifer;

1-52 (3) the injection of storm water or flood water into  
1-53 the Edwards Aquifer by means of a natural recharge feature such as a  
1-54 sinkhole or cave located in a karst topographic area for the purpose  
1-55 of providing additional recharge; and

1-56 (4) an injection well that transects or terminates in  
1-57 the Edwards Aquifer for:

1-58 (A) aquifer remediation;

1-59 (B) the injection of a nontoxic tracer dye as  
1-60 part of a hydrologic study; or

1-61 (C) another beneficial purpose that will protect  
1-62 an underground source of drinking water from pollution.

1-63 Sec. 27.0517. PERMITS FOR INJECTION WELLS THAT TRANSECT OR

TERMINATE IN PORTION OF EDWARDS AQUIFER INSIDE BOUNDARIES OF EDWARDS AQUIFER AUTHORITY. (a) In this section, "Edwards Aquifer" has the meaning assigned by Section 26.046(a).

(b) This section applies only to the portion of the Edwards Aquifer that is inside the boundaries of the Edwards Aquifer Authority.

(c) Except as otherwise provided by this section, the commission by rule or permit may not authorize an injection well that transects or terminates in the Edwards Aquifer.

(d) The commission by rule or permit may authorize:

(1) the injection of the following in a well that transects or terminates in the Edwards Aquifer for the purpose of providing additional recharge:

(A) groundwater withdrawn from the Edwards Aquifer; and

(B) storm water, flood water, or groundwater from an aquifer other than the Edwards Aquifer, if provision is made for protecting and maintaining the quality of groundwater in the receiving portion of the Edwards Aquifer;

(2) the injection of storm water, flood water, or groundwater from an aquifer other than the Edwards Aquifer by means of a natural recharge feature such as a sinkhole or cave located in a karst topographic area for the purpose of providing additional recharge; and

(3) an injection well that transects or terminates in the Edwards Aquifer for:

(A) aquifer remediation;

(B) the injection of a nontoxic tracer dye as part of a hydrologic study; or

(C) another beneficial purpose that will protect an underground source of drinking water from pollution.

SECTION 2. Subsection (e), Section 1.44, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(e) The authority may contract for injection or other artificial recharge under this section only if:

(1) provision is made for protecting and maintaining the quality of groundwater in the receiving part of the aquifer;

(2) ~~and~~;

~~(1)~~ the water used ~~[for artificial recharge]~~ is:

(A) groundwater withdrawn from the aquifer; or

(B) storm water, flood water, or groundwater from an aquifer other than the aquifer; and

(3) ~~(2)~~ the water is recharged:

(A) through:

(i) a natural recharge feature such as a sinkhole or cave located in a karst topographic area; or

(ii) an injection well; or

(B) by infiltration.

SECTION 3. Subsection (h), Section 27.051, Water Code, as added by Chapter 966 (S.B. 2), Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 4. This Act takes effect September 1, 2011.

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