

By: Wentworth

S.B. No. 1148

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Commission on Environmental
3 Quality to authorize certain injection wells that transect or
4 terminate in the Edwards Aquifer.

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

6 SECTION 1. Section 26.046(a), Water Code, is amended to
7 read as follows:

8 (a) As used in this section, "Edwards Aquifer":

9 (1) means that portion of an arcuate belt of porous,
10 waterbearing limestones composed of the Comanche Peak, Edwards, and
11 Georgetown formations trending from west to east to northeast
12 through Kinney, Uvalde, Medina, Bexar, Kendall, Comal, and Hays
13 counties, respectively, and as defined in the most recent rules of
14 the commission for the protection of the quality of the potable
15 underground water in those counties; and

16 (2) does not include the saline portion of the Edwards
17 Aquifer as defined by Section 27.051(i).

18 SECTION 2. Subsection (h), Section 27.051, Water Code, as
19 added by Chapter 966 (S.B. 2), Acts of the 77th Legislature, Regular
20 Session, 2001, is redesignated as Subsection (i) and amended to
21 read as follows:

22 (i) Except as otherwise provided by this subsection, the
23 ~~[(h) The]~~ commission may not authorize by rule or permit an
24 injection well that transects or terminates in the Edwards Aquifer.

1 The commission by rule may authorize injection of groundwater
2 withdrawn from the Edwards Aquifer, or injections of water derived
3 from other natural sources, including storm water, flood water, or
4 groundwater, through wells, improved sinkholes, or caves located in
5 karst topographic areas. The commission by rule may authorize the
6 injection of desalination concentrate in a well that transects or
7 terminates in the saline portion of the Edwards Aquifer. The
8 commission by rule may authorize the injection of fresh water in a
9 well that transects or terminates in the saline portion of the
10 Edwards Aquifer as part of an aquifer storage and recovery
11 facility. For purposes of this subsection:

12 (1) ~~(1)~~ "Edwards Aquifer" has the meaning assigned by
13 Section 26.046(a), except that the term includes the saline portion
14 of the Edwards Aquifer.

15 (2) "Fresh water" means water that contains a total
16 dissolved solids concentration of less than 1,000 milligrams per
17 liter and is otherwise suitable as a source of drinking water
18 supply.

19 (3) "Saline portion of the Edwards Aquifer" means the
20 part of the Edwards Aquifer that contains only groundwater with a
21 total dissolved solids concentration of at least 1,000 milligrams
22 per liter.

23 SECTION 3. This Act takes effect September 1, 2011.