

By: Rodriguez of Travis

H.B. No. 340

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the power 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. Subchapter D, Chapter 27, Water Code, is amended
7 by adding Section 27.0516 to read as follows:

8 Sec. 27.0516. PERMITS FOR INJECTION WELLS THAT TRANSECT OR
9 TERMINATE IN PORTION OF EDWARDS AQUIFER INSIDE BOUNDARIES OF BARTON
10 SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT. (a) In this
11 section:

12 (1) "Edwards Aquifer" has the meaning assigned by 30
13 T.A.C. Section 331.19(b) as that subsection existed on September 1,
14 2013.

15 (2) "Engineered aquifer storage and recovery
16 facility" means a facility with one or more wells that is located,
17 designed, constructed, and operated for the purpose of injecting
18 fresh water into a subsurface permeable stratum and storing the
19 water for subsequent withdrawal and use for a beneficial purpose.

20 (3) "Fresh water" means surface water or groundwater,
21 without regard to whether the water has been physically,
22 chemically, or biologically altered, that:

23 (A) contains a total dissolved solids
24 concentration of not more than 1,000 milligrams per liter; and

1 (B) is otherwise suitable as a source of drinking
2 water supply.

3 (4) "Saline portion of the Edwards Aquifer" means the
4 portion of the Edwards Aquifer that contains only groundwater with
5 a total dissolved solids concentration of more than 1,000
6 milligrams per liter.

7 (b) This section applies only to the portion of the Edwards
8 Aquifer that is inside the boundaries of the Barton Springs-Edwards
9 Aquifer Conservation District and outside the boundaries of the
10 Edwards Aquifer Authority.

11 (c) This section prevails over Section 27.051(i) to the
12 extent of a conflict.

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

16 (e) The commission by rule may authorize:

17 (1) an injection well that transects and isolates the
18 saline portion of the Edwards Aquifer and terminates in a lower
19 aquifer for the purpose of injecting:

20 (A) concentrate from a desalination facility; or

21 (B) fresh water as part of an engineered aquifer
22 storage and recovery facility;

23 (2) an injection well that terminates in that part of
24 the saline portion of the Edwards Aquifer that has a total dissolved
25 solids concentration of more than 10,000 milligrams per liter for
26 the purpose of injecting into the saline portion of the Edwards
27 Aquifer:

1 (A) concentrate from a desalination facility,
2 provided that the injection well must be at least three miles from
3 the closest outlet of Barton Springs; or

4 (B) fresh water as part of an engineered aquifer
5 and storage recovery facility, provided that each well used for
6 injection or withdrawal from the facility must be at least three
7 miles from the closest outlet of Barton Springs;

8 (3) the injection of fresh water withdrawn from the
9 Edwards Aquifer into a well that transects or terminates in the
10 Edwards Aquifer for the purpose of providing additional recharge;

11 (4) the injection of rainwater, storm water, flood
12 water, or groundwater into the Edwards Aquifer by means of an
13 improved natural recharge feature such as a sinkhole or cave
14 located in a karst topographic area for the purpose of providing
15 additional recharge; or

16 (5) an injection well that transects or terminates in
17 the Edwards Aquifer for:

18 (A) aquifer remediation;

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

21 (C) another beneficial purpose that the
22 commission determines will protect an underground source of
23 drinking water from pollution or other deleterious effects.

24 SECTION 2. This Act takes effect September 1, 2013.