

By: Zaffirini

S.B. No. 1532

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 WITHIN EXTERNAL BOUNDARIES
10 OF BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT. (a) In
11 this section:

12 (1) "Edwards Aquifer" means that portion of an arcuate
13 belt of porous, waterbearing limestones composed of the Edwards
14 Formation, Georgetown Formation, Comanche Peak Formation, Salmon
15 Peak Limestone, McKnight Formation, West Nueces Formation, Devil's
16 River Limestone, Person Formation, Kainer Formation, and Edwards
17 Group trending from west to east to northeast through Kinney,
18 Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson
19 Counties. The permeable aquifer units generally overlie the
20 less-permeable Glen Rose Formation to the south, overlie the
21 less-permeable Comanche Peak and Walnut Formations north of the
22 Colorado River, and underlie the less-permeable Del Rio Clay
23 regionally.

24 (2) "Engineered aquifer storage and recovery

1 facility" means a facility with one or more wells that is located,
2 designed, constructed, and operated for the purpose of injecting
3 fresh water into a subsurface permeable stratum and storing the
4 water for subsequent withdrawal and use for a beneficial purpose.

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

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

10 (B) is otherwise suitable as a source of drinking
11 water supply.

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

16 (b) This section applies only to the portion of the Edwards
17 Aquifer that is within the geographic area circumscribed by the
18 external boundaries of the Barton Springs-Edwards Aquifer
19 Conservation District but is not in that district's territory or
20 the territory of the Edwards Aquifer Authority.

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

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

26 (e) The commission by rule may authorize:

27 (1) the injection of fresh water withdrawn from the

1 Edwards Aquifer into a well that transects or terminates in the
2 Edwards Aquifer for the purpose of providing additional recharge;
3 or

4 (2) the injection of rainwater, storm water, flood
5 water, or groundwater into the Edwards Aquifer by means of an
6 improved natural recharge feature such as a sinkhole or cave
7 located in a karst topographic area for the purpose of providing
8 additional recharge.

9 (f) The commission by general permit may authorize:

10 (1) an activity described by Subsection (e);

11 (2) an injection well that transects and isolates the
12 saline portion of the Edwards Aquifer and terminates in a lower
13 aquifer for the purpose of injecting:

14 (A) concentrate from a desalination facility; or

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

17 (3) an injection well that terminates in that part of
18 the saline portion of the Edwards Aquifer that has a total dissolved
19 solids concentration of more than 10,000 milligrams per liter for
20 the purpose of injecting into the saline portion of the Edwards
21 Aquifer:

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

25 (B) fresh water as part of an engineered aquifer
26 and storage recovery facility, provided that each well used for
27 injection or withdrawal from the facility must be at least three

1 miles from the closest outlet of Barton Springs; or

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

4 (A) aquifer remediation;

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

7 (C) another beneficial activity that is designed
8 and undertaken wholly or partly for the purpose of increasing
9 protection of an underground source of drinking water from
10 pollution or other deleterious effects.

11 (g) The commission must hold a public meeting before issuing
12 a general permit under this section.

13 (h) Rules adopted or a general permit issued under this
14 section:

15 (1) must require that an injection well authorized by
16 the rules or permit be monitored by means of a monitoring well;

17 (2) must ensure that an authorized activity will not
18 result in the waste or pollution of water;

19 (3) may not authorize an injection well under
20 Subsection (f)(2) or (3) unless the well is associated with a
21 small-scale research project designed to evaluate the long-term
22 feasibility and safety of:

23 (A) the injection of concentrate from a
24 desalination facility; or

25 (B) an aquifer storage and recovery project;

26 (4) must require any authorization granted to be
27 renewed at least as frequently as every 10 years;

1 (5) must require that an injection well authorized
2 under Subsection (f)(2)(A) or (3)(A) be monitored on an ongoing
3 basis and that reports regarding the well be filed with the
4 commission at least as frequently as every three months; and

5 (6) must ensure that any injection well authorized for
6 the purpose of injecting concentrate from a desalination facility
7 does not transect the fresh water portion of the Edwards Aquifer.

8 (i) Notwithstanding Subsection (h)(3), a general permit may
9 authorize the owner of a well authorized under Subsection (f)(2) or
10 (3) to continue operating the well for the purpose of implementing
11 the desalination or engineered aquifer storage and recovery project
12 following completion of the research project if the owner submits
13 the information collected as part of the research project,
14 including any information regarding the environmental impact of the
15 well, to the commission and the commission determines that
16 continued operation of the well will not pose a risk of pollution of
17 the fresh water portion of the Edwards Aquifer. The commission
18 shall make the information provided by the owner of the well easily
19 accessible to the public. The permit may authorize the owner of the
20 well to continue operating the well following completion of the
21 research project pending the determination by the commission. If
22 the commission determines that continued operation of the well will
23 pose a risk of pollution of the fresh water portion of the Edwards
24 Aquifer, the commission shall notify the operator and require the
25 operator to modify the well as necessary to prevent pollution of the
26 aquifer. If the operator fails to modify the well as required, the
27 commission shall require the operator to cease operating the well.

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