

BILL ANALYSIS

H.B. 27
By: Larson
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that brackish groundwater desalination is one of the water supply strategies planned for use in meeting the state's future water demands. The goal of H.B. 27 is to support this strategy by encouraging and facilitating the development of brackish groundwater.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 27 amends the Water Code to authorize a groundwater conservation district located over any part of a designated brackish groundwater production zone to adopt rules to govern the issuance of permits for the completion and operation of a well for the withdrawal of brackish groundwater from a designated brackish groundwater production zone. The bill requires the district to adopt such rules if the district receives a petition from a person with a legally defined interest in groundwater in the district and to adopt the rules not later than the 180th day after the date the district receives the petition. The bill applies the rules only to a permit for a municipal project designed to treat brackish groundwater to drinking water standards for the purpose of providing a public source of drinking water and an electric generation project to treat brackish groundwater to water quality standards sufficient for the project needs. The bill sets out rule requirements relating to the manner of processing an application for a brackish groundwater production zone operating permit, a cap on withdrawals and rates of withdrawal of brackish groundwater, a minimum permit term, implementation of a water monitoring system, monitoring of land elevations in certain zones, annual reports from a permit holder, and groundwater property rights.

H.B. 27 sets out required contents for an application for a brackish groundwater production zone operating permit. The bill requires a district to submit an application to the Texas Water Development Board (TWDB) and requires the TWDB to conduct a technical review of the application and submit a report of the review of the application that includes certain findings and recommendations. The bill prohibits the district from scheduling a hearing on the application until the district receives the report from the TWDB.

H.B. 27 requires a district to provide the annual reports from a permit holder to the TWDB. The bill requires the TWDB, not later than the 120th day after the date the TWDB receives a request from a district, to investigate and issue a report on whether brackish groundwater production

under the project that is the subject of the report from the designated brackish groundwater production zone is projected to cause significant aquifer level declines in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum that were not anticipated by the TWDB in the designation of the zone; negative effects on water quality in an aquifer, subdivision of an aquifer, or geologic stratum; or, for a project located in a designated brackish groundwater production zone in the Gulf Coast Aquifer, subsidence during the permit term. The bill authorizes a district, after receiving such a report from the TWDB and after applicable notice and hearing, to amend the applicable permit to establish a production limit necessary to mitigate any negative effects identified by the report, approve a mitigation plan that alleviates any negative effects identified by the report, or both amend the permit to establish a production limit and approve a mitigation plan.

H.B. 27 establishes that production under a permit issued under the bill's provisions to produce brackish groundwater from a designated brackish groundwater production zone is in addition to the amount of groundwater that may be produced based on the modeled available groundwater determined by the executive administrator of the TWDB and the executive administrator's estimate of the current and projected amount of groundwater produced under exemptions. The bill requires a district, to the extent possible, to issue permits up to the point that the total volume of exempt and permitted groundwater production in a designated brackish groundwater production zone equals the amount of brackish groundwater that may be produced annually to achieve the groundwater availability described by the TWDB in its designation of the brackish groundwater production zone.

EFFECTIVE DATE

December 1, 2017.