

Amend SB 1511 by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Sections 27.0516(a)(1) and (3), Water Code, are amended to read as follows:

(1) "Edwards Aquifer" means that portion of an arcuate belt of porous, waterbearing limestones composed of the Edwards Formation, Georgetown Formation, Comanche Peak Formation, Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, and Edwards Group, together with the Upper Glen Rose Formation where there is a significant hydrological connection to the overlying Edwards Group [~~trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson Counties~~]. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south [~~, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River,~~] and underlie the less-permeable Del Rio Clay regionally.

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

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

(B) meets the water quality standards for public drinking water established by commission rule; and

(C) is otherwise suitable as a source of drinking water supply.

SECTION _____. Sections 27.0516(b), (f), (h), (k), and (n), Water Code, are amended to read as follows:

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

(f) The commission by general permit may authorize:

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

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

(A) concentrate from a desalination facility; or

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

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

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

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

(4) 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 activity that is designed and undertaken for the purpose of increasing protection of an underground source of drinking water from pollution or other deleterious effects; or

(5) the injection of fresh water into a well that transects the Edwards Aquifer provided that:

(A) the well isolates the Edwards Aquifer and meets the construction and completion standards adopted by the commission under Section 27.154;

(B) the well is part of an engineered aquifer storage and recovery facility;

(C) the injected water is sourced from a public water system, as defined by commission rule, that is permitted by

the commission; and

(D) the injection complies with the provisions of Subchapter G that are not in conflict with this section.

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

(1) must require that an injection well authorized by the rules or permit be monitored by means of:

(A) one or more [~~a~~] monitoring wells [~~well~~] operated by the injection well owner if the commission determines that there is an underground source of drinking water in the area of review that is potentially affected by the injection well; or

(B) if Paragraph (A) does not apply, one or more [~~a~~] monitoring wells [~~well~~] operated by a party other than the injection well owner, provided that all results of monitoring are promptly made available to the injection well owner;

(2) must ensure that an authorized activity will not result in the waste or pollution of native groundwater [~~fresh water~~];

(3) may not authorize an injection well under Subsection (f)(2), [~~or~~] (3), or (5) unless the well is initially associated with a small-scale research project designed to evaluate the long-term feasibility and safety of:

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

(B) an aquifer storage and recovery project;

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

(5) must require that an injection well authorized under Subsection (f)(2)(A) or (3)(A) be monitored on an ongoing basis by or in coordination with the well owner and that the well owner file monitoring reports with the commission at least as frequently as every three months; [~~and~~]

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

(7) must be consistent with the provisions of

Subchapter G that are not in conflict with this section.

(k) Notwithstanding Subsection (h)(3), a general permit may authorize the owner of an injection well authorized under Subsection (f)(2), ~~or~~ (3), or (5) to continue operating the well for the purpose of implementing the desalination or engineered aquifer storage and recovery project following completion of the small-scale research project, provided that:

(1) the injection well owner timely submits the information collected as part of the research project, including monitoring reports and information regarding the environmental impact of the well, to the commission;

(2) the injection well owner, following the completion of studies and monitoring adequate to characterize risks to the fresh water portion of the Edwards Aquifer, the Trinity Aquifer, or ~~and~~ other native groundwater ~~[fresh water]~~ associated with the continued operation of the well, and at least 90 days before the date the owner initiates commercial well operations, files with the commission a notice of intent to continue operation of the well after completion of the research project; and

(3) the commission, based on the studies and monitoring, the report provided by Texas State University--San Marcos under Subsection (l)(2), and any other reasonably available information, determines that continued operation of the injection well as described in the notice of intent does not pose an unreasonable risk to the fresh water portion of the Edwards Aquifer, the Trinity Aquifer, or other native groundwater ~~[fresh water]~~ associated with the continued operation of the well.

(n) If the commission preliminarily determines that continued operation of the injection well would pose an unreasonable risk to the fresh water portion of the Edwards Aquifer, the Trinity Aquifer, or other native groundwater ~~[fresh water]~~ associated with the continued operation of the well, the commission shall notify the operator and specify, if possible, what well modifications or operational controls would be adequate to prevent that unreasonable risk. If the operator fails to modify the injection well as specified by the commission, the commission shall require the operator to cease operating the well.