

By: Larson

H.B. No. 2377

A BILL TO BE ENTITLED

AN ACT

relating to the development of brackish groundwater.

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

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1015 to read as follows:

Sec. 36.1015. RULES FOR PERMITS IN BRACKISH GROUNDWATER PRODUCTION ZONES. (a) In this section, "designated brackish groundwater production zone" means an aquifer, subdivision of an aquifer, or geologic stratum designated under Section 16.060(b)(5).

(b) A district located over any part of a designated brackish groundwater production zone that receives a petition from a person with a legally defined interest in groundwater in the district shall adopt rules to govern the issuance of permits to withdraw brackish groundwater from a well in a designated brackish groundwater production zone for a project designed to treat brackish groundwater to drinking water standards. The district must adopt the rules not later than the 180th day after the date the district receives the petition. The rules must:

(1) allow withdrawals and rates of withdrawal of brackish groundwater from a designated brackish groundwater production zone not to exceed and consistent with the withdrawal amounts identified in Section 16.060(e);

(2) provide for a minimum term of 30 years for a permit

1 issued for a well that produces brackish groundwater from a
2 designated brackish groundwater production zone;

3 (3) allow reasonable monitoring of an aquifer,
4 subdivision of an aquifer, or geologic stratum adjacent to a
5 designated brackish groundwater production zone consistent with
6 those required for fresh groundwater production;

7 (4) allow the district to amend a permit issued under
8 rules adopted under this section following receipt of a report
9 requested under Subsection (c); and

10 (5) require from the holder of a permit issued under
11 rules adopted under this section reports that must include:

12 (A) the amount of brackish groundwater
13 withdrawn;

14 (B) the average monthly water quality of the
15 brackish groundwater withdrawn; and

16 (C) aquifer levels in both the designated
17 brackish groundwater production zone and in any aquifer,
18 subdivision of the aquifer, or geologic stratum for which the
19 permit requires monitoring.

20 (c) The district shall provide the reports required under
21 Subsection (b)(5) to the Texas Water Development Board. On request
22 from the district, the development board shall investigate and
23 issue a report on whether brackish groundwater withdrawals from the
24 designated brackish groundwater production zone are causing:

25 (1) significant aquifer level declines in an adjacent
26 freshwater aquifer that were not anticipated by the Texas Water
27 Development Board in the designation of the zone; or

1 (2) negative effects on quality of water in an
2 aquifer, subdivision of an aquifer, or geologic stratum.

3 (d) After receiving from the Texas Water Development Board a
4 report issued under Subsection (c) and after notice and hearing,
5 the district may:

6 (1) amend the applicable permit to establish a
7 production limit necessary to mitigate any negative effects
8 identified by the report;

9 (2) approve a mitigation plan that alleviates any
10 negative effects identified by the report; or

11 (3) both amend the permit to establish a production
12 limit and approve a mitigation plan.

13 SECTION 2. Section 36.1071(a), Water Code, is amended to
14 read as follows:

15 (a) Following notice and hearing, the district shall, in
16 coordination with surface water management entities on a regional
17 basis, develop a management plan that addresses the following
18 management goals, as applicable:

19 (1) providing the most efficient use of groundwater;

20 (2) controlling and preventing waste of groundwater;

21 (3) controlling and preventing subsidence;

22 (4) addressing conjunctive surface water management
23 issues;

24 (5) addressing natural resource issues;

25 (6) addressing drought conditions;

26 (7) addressing conservation, recharge enhancement,
27 rainwater harvesting, precipitation enhancement, or brush control,

1 where appropriate and cost-effective; ~~and~~

2 (8) addressing the desired future conditions adopted
3 by the district under Section [36.108](#); and

4 (9) identifying goals for the development of brackish
5 groundwater desalination strategies in designated brackish
6 groundwater production zones.

7 SECTION 3. Section [36.108](#)(d-2), Water Code, is amended to
8 read as follows:

9 (d-2) The desired future conditions proposed under
10 Subsection (d) must provide a balance between the highest
11 practicable level of groundwater production and the conservation,
12 preservation, protection, recharging, and prevention of waste of
13 groundwater and control of subsidence in the management area. The
14 desired future condition does not apply to brackish groundwater
15 production in designated brackish groundwater production zones.

16 This subsection does not prohibit the establishment of desired
17 future conditions that provide for the reasonable long-term
18 management of groundwater resources consistent with the management
19 goals under Section [36.1071](#)(a). The desired future conditions
20 proposed under Subsection (d) must be approved by a two-thirds vote
21 of all the district representatives for distribution to the
22 districts in the management area. A period of not less than 90 days
23 for public comments begins on the day the proposed desired future
24 conditions are mailed to the districts. During the public comment
25 period and after posting notice as required by Section [36.063](#), each
26 district shall hold a public hearing on any proposed desired future
27 conditions relevant to that district. During the public comment

1 period, the district shall make available in its office a copy of
2 the proposed desired future conditions and any supporting
3 materials, such as the documentation of factors considered under
4 Subsection (d) and groundwater availability model run results.
5 After the public hearing, the district shall compile for
6 consideration at the next joint planning meeting a summary of
7 relevant comments received, any suggested revisions to the proposed
8 desired future conditions, and the basis for the revisions.

9 SECTION 4. This Act takes effect September 1, 2017.