

By: Larson

H.B. No. 2885

A BILL TO BE ENTITLED

AN ACT

relating to the authorization by the Texas Commission on Environmental Quality of the discharge, diversion, and transfer or other reuse of return flows derived from treated brackish groundwater.

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

SECTION 1. Section 11.042, Water Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The commission shall grant an authorization described by Subsection (b) if:

(1) the groundwater is treated brackish groundwater;
and

(2) the person is authorized under Chapter 26 to discharge the groundwater into the watercourse or stream.

SECTION 2. Section 11.085, Water Code, is amended by adding Subsection (u-1) and amending Subsection (v) to read as follows:

(u-1) The commission shall grant a water right or an amendment to a permit, certified filing, or certificate of adjudication described by Subsection (a) to an applicant who proposes to divert the applicant's existing return flows from treated brackish groundwater and transfer those flows to another river basin.

(v) The provisions of this section, except Subsection (a), do not apply to:

1 (1) a proposed transfer which in combination with any
2 existing transfers totals less than 3,000 acre-feet of water per
3 annum from the same permit, certified filing, or certificate of
4 adjudication;

5 (2) a request for an emergency transfer of water;

6 (3) a proposed transfer from a basin to its adjoining
7 coastal basin;

8 (4) a proposed transfer from the part of the
9 geographic area of a county or municipality, or the part of the
10 retail service area of a retail public utility as defined by Section
11 13.002, that is within the basin of origin for use in that part of
12 the geographic area of the county or municipality, or that
13 contiguous part of the retail service area of the utility, not
14 within the basin of origin; ~~or~~

15 (5) a proposed transfer of water that is:

16 (A) imported from a source located wholly outside
17 the boundaries of this state, except water that is imported from a
18 source located in the United Mexican States;

19 (B) for use in this state; and

20 (C) transported by using the bed and banks of any
21 flowing natural stream located in this state; or

22 (6) a proposed transfer of water described by
23 Subsection (u-1).

24 SECTION 3. The change in law made by this Act to Section
25 11.042, Water Code, applies only to an application for an
26 authorization to discharge and then subsequently divert and reuse
27 the applicant's existing return flows derived from treated brackish

1 groundwater that is filed with the Texas Commission on
2 Environmental Quality on or after the effective date of this Act.
3 An application that is filed before the effective date of this Act
4 is governed by the law as it existed immediately before the
5 effective date of this Act, and that law is continued in effect for
6 that purpose.

7 SECTION 4. The changes in law made by this Act to Section
8 [11.085](#), Water Code, apply only to an application for a water right
9 or an amendment to a permit, certified filing, or certificate of
10 adjudication authorizing an interbasin transfer of water that is
11 filed with the Texas Commission on Environmental Quality on or
12 after the effective date of this Act. An application that is filed
13 before the effective date of this Act is governed by the law as it
14 existed immediately before the effective date of this Act, and that
15 law is continued in effect for that purpose.

16 SECTION 5. This Act takes effect September 1, 2017.