86R4412 SLB-F

By:  Alvarado S.B. No. 1836

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 treated brackish groundwater and 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 to discharge water into a watercourse or stream and then subsequently divert and reuse the water, less carriage losses, if:

(1)  the water is treated brackish groundwater or return flows derived from treated brackish groundwater; and

(2)  the person is authorized under Chapter 26 to discharge the water 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 treated brackish groundwater or return flows derived from treated brackish groundwater and transfer the water to another river basin, provided that the applicant has obtained authorization under Section 11.042(b-1) to discharge the water into a watercourse or stream in the basin of origin and then subsequently divert and reuse the water.

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

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

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

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

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

(5)  a proposed transfer of water that is:

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

(B)  for use in this state; and

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

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

SECTION 3.  The change in law made by this Act to Section 11.042, Water Code, applies only to an application for an authorization to discharge and then subsequently divert and reuse treated brackish groundwater or return flows derived from treated brackish groundwater that is filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. An application that is filed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

SECTION 5.  This Act takes effect September 1, 2019.