

By: Larson

H.B. No. 724

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authorization by the Texas Commission on  
3 Environmental Quality of the discharge, diversion, and transfer or  
4 other reuse of treated brackish groundwater and return flows  
5 derived from treated brackish groundwater.

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

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

9 (b-1) The commission shall grant an authorization to  
10 discharge water into a watercourse or stream and then subsequently  
11 divert and reuse the water, less carriage losses, if:

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

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

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

18 (u-1) The commission shall grant a water right or an  
19 amendment to a permit, certified filing, or certificate of  
20 adjudication described by Subsection (a) to an applicant who  
21 proposes to divert treated brackish groundwater or return flows  
22 derived from treated brackish groundwater and transfer the water to  
23 another river basin, provided that the applicant has obtained  
24 authorization under Section 11.042(b-1) to discharge the water into

1 a watercourse or stream in the basin of origin and then subsequently  
2 divert and reuse the water.

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

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

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

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

12 (4) a proposed transfer from the part of the  
13 geographic area of a county or municipality, or the part of the  
14 retail service area of a retail public utility as defined by Section  
15 13.002, that is within the basin of origin for use in that part of  
16 the geographic area of the county or municipality, or that  
17 contiguous part of the retail service area of the utility, not  
18 within the basin of origin; ~~or~~

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

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

23 (B) for use in this state; and

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

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

1           SECTION 3. The change in law made by this Act to Section  
2 [11.042](#), Water Code, applies only to an application for an  
3 authorization to discharge and then subsequently divert and reuse  
4 treated brackish groundwater or return flows derived from treated  
5 brackish groundwater that is filed with the Texas Commission on  
6 Environmental Quality on or after the effective date of this Act.  
7 An application that is filed before the effective date of this Act  
8 is governed by the law as it existed immediately before the  
9 effective date of this Act, and that law is continued in effect for  
10 that purpose.

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

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