

By: Alvarado

S.B. No. 1836

A BILL TO BE ENTITLED

AN ACT

1
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.