

BILL ANALYSIS

Senate Research Center

H.B. 1523
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Water, Agriculture and Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Texas Water Development Board, the allocation of surface water for aquifer storage and recovery (ASR) was authorized in 1995. Since then, the Texas Commission on Environmental Quality (TCEQ) has assumed exclusive jurisdiction over the regulation and permitting of ASR injection wells. In 2022, the City of Austin included an ASR project in its Water Forward Plan, announcing its intentions to move forward with this initiative.

Following the announcement, discussions about locating injection wells in neighboring Bastrop and Lee Counties prompted concerns from groundwater experts and local county leaders. These stakeholders raised questions about the potential impacts of injecting treated surface water into the Carrizo-Wilcox aquifer, particularly regarding water migration, contamination risks, and chemical reactions occurring underground. In response, they sought answers from the city, asking for assurances about the safety of the project and requesting the development of mitigation plans in the event of negative outcomes.

In light of these ongoing concerns, H.B. 1523 has been introduced to establish safeguards on TCEQ's permitting process for any ASR project between Bastrop and Travis counties. The bill aims to ensure that the integrity of the aquifer is protected and that local concerns are fully addressed before any project can be authorized.

H.B. 1523 amends current law relating to a restriction on the authorization by the Texas Commission on Environmental Quality of the use of a Class V injection well for certain aquifer storage and recovery projects.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 27, Water Code, by adding Section 27.1535, as follows:

Sec. 27.1535. RESTRICTION ON AUTHORIZATIONS OF USE OF CERTAIN CLASS V INJECTION WELLS. (a) Provides that this section applies only to a Class V injection well that is:

- (1) located in any portion of the territory of a groundwater conservation district that is located wholly or partly in a county that has a population of more than 70,000 and less than 100,000 and contains a portion of the Colorado River and is adjacent to a county that has a population of one million or more; and
- (2) used for an aquifer storage and recovery project operated by a municipally owned utility that primarily provides water to a municipality that has a population of 750,000 or more and is located in a county adjacent to a county described by Subdivision (1).

(b) Requires the Texas Commission on Environmental Quality (TCEQ), as a condition of authorizing the use of a Class V injection well for an aquifer storage and recovery project, to require that certain criteria be met.

(c) Requires TCEQ, before authorizing the use of a Class V injection well for an aquifer storage and recovery project, to hold a public meeting in the county in which the injection well is proposed to be located.

(d) Prohibits TCEQ from authorizing the use of a Class V injection well for an aquifer storage and recovery project if the authorization does not include the terms provided by Subsection (b).

SECTION 2. Effective date: upon passage or September 1, 2025.