

BILL ANALYSIS

C.S.H.B. 1523
By: Gerdes
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the Texas Water Development Board, allocation of surface water for aquifer storage and recovery (ASR) was authorized in 1995 with the Texas Commission on Environmental Quality (TCEQ) now having exclusive jurisdiction over the regulation and permitting of ASR injection wells. The bill author has informed the committee that while ASR is a valuable and needed component to meeting the state's water needs, each ASR project differs based on the formation used for storage, the type of water stored, and the duration of time that the water is stored before being withdrawn.

The bill author has informed the committee of issues regarding one such project—the City of Austin's ASR project listed in their Water Forward plan. After initial announcements of the project and talks of locating injection wells in neighboring Bastrop and Lee Counties, groundwater experts and local county leadership voiced concerns about the potential impact of treated surface water injected into the Carrizo-Wilcox aquifer, and the concerned parties approached the city for answers about the risks of water migration, injection of contaminants, and chemical reactions below the surface and for the development of mitigation plans in the event of negative interactions. The bill author has further informed the committee that no details or decisions have been settled regarding the project as a result of ongoing discussions, leaving substantial liability on the aquifers and on residents who will not benefit from the project.

C.S.H.B. 1523 seeks to address this situation and empower locals by prohibiting the TCEQ from authorizing the use of a Class V injection well for certain ASR projects.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1523 amends the Water Code to prohibit the Texas Commission on Environmental Quality (TCEQ) from authorizing the use of a Class V injection well for an aquifer storage and recovery project under the following conditions:

- the well is located in any portion of the territory of a groundwater conservation district that is located wholly or partly in a county with the following characteristics:
 - the county has a population of more than 70,000 and less than 100,000 and contains a portion of the Colorado River; and

- the county is adjacent to a county that has a population of one million or more; and
- the project is operated by either of the following entities:
 - 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 with the previously described characteristics; or
- a nonprofit entity that has partnered with a municipally owned utility to provide water to such a municipality.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1523 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced prohibited the TCEQ from authorizing the use of a certain injection well for an aquifer storage and recovery project operated by a municipally owned utility that primarily provides water to a municipality meeting specified criteria. The substitute expands that prohibition to also apply to an aquifer storage and recovery project operated by a nonprofit entity that has partnered with a municipally owned utility to provide water to such a municipality.