

## **BILL ANALYSIS**

Senate Research Center  
85R12767 SLB-D

S.B. 1796  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1796 protects private property values, protects groundwater resources that are critical regional drinking water supplies, and reduces uncertain and expensive permit protests. Further, the bill incentivizes better water conservation practices.

Landowners relying on the Edwards and Trinity aquifers for water supply and those with real property along streams in the Hill Country are increasingly concerned about wastewater discharges degrading water quality and negatively impacting property values and drinking water resources. The weight of scientific evidence has overwhelmingly demonstrated the extremely limited capacity of these critical water resources to assimilate even highly treated wastewater, leading to contentious and expensive protests of Texas Commission on Environmental Quality (TCEQ) permits by affected landowners with highly uncertain outcomes. Although wastewater discharges are currently prohibited over the recharge zone of the Edwards Aquifer to protect drinking water supplies, no such protection exists for landowners relying on the Trinity Aquifer for water supply, or the contributing zone of the Edwards Aquifer which drives the quality of water recharging the Edwards Aquifer.

As proposed, S.B. 1796 amends current law relating to a restriction on permits authorizing discharges of sewage effluent into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.

[Note: While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

### **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 B, Chapter 26, Water Code, by adding Section 26.0465, as follows:

Sec. 26.0465. RESTRICTION ON PERMITS FOR DISCHARGES OF SEWAGE EFFLUENT INTO WATER IN CERTAIN ZONES OF EDWARDS AQUIFER. (a) Prohibits the Texas Natural Resource Conservation Commission (TNRCC) from issuing a new permit authorizing the discharge of sewage effluent into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer, or amending a permit that was issued before September 1, 2017, to authorize an increase in the amount of sewage effluent that may be discharged into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.

(b) Provides that this section does not affect the authority of TNRCC to issue a new permit authorizing one or more of certain discharges or to amend a permit to authorize an increase in certain discharges.

SECTION 2. Effective date: September 1, 2017.