

## **BILL ANALYSIS**

Senate Research Center  
86R2701 BRG-F

S.B. 520  
By: Campbell; Zaffirini  
Water & Rural Affairs  
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As Filed

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

The City of New Braunfels is located in one of the fastest growing counties in the state. Aquifer storage and recovery (ASR) provides a responsible way for the city to address this growth to meet future water needs.

S.B. 520 would amend Section 1.44, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, relating to well injections made in accordance with the Edwards Aquifer Authority Act. The bill would allow the City of New Braunfels to inject fresh water with a total dissolved solids concentration of less than 1,500 milligrams per liter into a portion of the Edwards Aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter. Oversight by the Edwards Aquifer Authority would ensure that the integrity of the aquifer and quality of groundwater would be protected.

As proposed, S.B. 520 amends current law relating to the storage and recovery of water in a portion of the Edwards Aquifer.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 2 (Section 27.051, Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1.44, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by amending Subsections (c) and (e) and adding Subsection (c-1), as follows:

(c) Provides that, except as provided by Subsection (c-1), the political subdivision causing artificial recharge of the aquifer is entitled to withdraw during any 12-month period the measured amount of water actually injected or artificially recharged during the preceding 12-month period, as demonstrated and established by expert testimony, less an amount determined by the authority to:

(1)–(2) makes no changes to these subdivisions.

(c-1) Provides that a political subdivision causing artificial recharge of a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter is entitled to withdraw the measured amount of water actually injected or artificially recharged.

(e) Authorizes the authority to contract for injection or artificial recharge under this section only if provision is made for protecting and maintaining the quality of groundwater in the receiving part of the aquifer, and:

(1) makes no changes to this subdivision;

(2) makes nonsubstantive change; or

(3) the water is injected by a municipally owned utility owned by the City of New Braunfels, and:

(A) the water has a total dissolved solids concentration of less than 1,500 milligrams per liter and is not domestic wastewater, municipal wastewater, or reclaimed water as those terms are defined by 30 T.A.C. Chapter 210, effective October 31, 2018; and

(B) the injection well terminates in a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter.

SECTION 2. Amends Section 27.051(i), Water Code, as follows:

(i) Provides that for the purposes of this subsection, "Edwards Aquifer" has the meaning assigned by Section 26.046(a). Prohibits, except as otherwise provided by this section, the Texas Commission on Environmental Quality (TCEQ) from authorizing by rule or permit an injection well that transects or terminates in the Edwards Aquifer. Authorizes TCEQ by rule to authorize:

(1) creates this subdivision from existing text and makes nonsubstantive change;

(2) creates this subdivision from existing text and makes nonsubstantive change;  
or

(3) injections of water made in accordance with Section 1.44(e)(3), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993. Deletes existing text relating to the definition of "Edwards Aquifer."

SECTION 3. Effective date: September 1, 2019.