

BILL ANALYSIS

Senate Research Center
82R5476 SMH-D

S.B. 1148
By: Wentworth
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Commission on Environmental Quality (TCEQ) may not authorize an injection well that transects or terminates in the Edwards Aquifer anywhere in those counties where the Edwards Aquifer is used as a water supply in part of the county. No differentiation is made between the saline zones and the freshwater zones in those counties as to this prohibition.

S.B. 1148 defines and differentiates the freshwater portion of the Edwards Aquifer and the saline portion of the Edwards Aquifer so that the cost-effective development of the saline resources as a new alternative water supply for this area may occur. Central Texas, especially the Interstate-35 and State Highway 130 corridors, will have a critical need for additional freshwater supplies over the next several decades to support a burgeoning population and to maintain a viable economic engine in the Austin-San Marcos-San Antonio region. The saline Edwards Aquifer resources are a potential new supply of large amounts of drinking water in a broad swath of Central and Southwest Texas, using proven technologies such as desalination or aquifer storage and recovery.

S.B. 1148 would allow TCEQ to authorize the injection of desalination concentrate in a well that transects the saline portion of the Edwards Aquifer to dispose of concentrate in the underlying saline Trinity Aquifer. S.B. 1148 would also allow TCEQ to authorize the injection of freshwater in a well that transects or terminates in the saline portion of the Edwards Aquifer as part of an aquifer storage and recovery facility. The freshwater portion of the Edwards Aquifer would remain protected.

As proposed, S.B. 1148 amends current law relating to the authority of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

RULEMAKING AUTHORITY

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

Rulemaking authority is expressly granted to TCEQ in SECTION 2 (Section 27.051, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.046(a), Water Code, to redefine "Edwards Aquifer."

SECTION 2. Redesignates Section 27.051(h), Water Code, as added by Chapter 966 (S.B. 2), Acts of the 77th Legislature, Regular Session, 2001, as Subsection (i) and amends it as follows:

- (i) Prohibits the Texas Commission on Environmental Quality (TCEQ), except as provided by this subsection, from authorizing by rule or permit an injection well that transects or terminates in the Edwards Aquifer. Authorizes TCEQ by rule to authorize injection of groundwater withdrawn from Edwards Aquifer, or injections of water derived from other natural sources, including storm water, flood water, or groundwater, through wells, improved sinkholes, or caves located in karst topographic areas. Authorizes TCEQ

by rule to authorize the injection of desalination concentrate in a well that transects or terminates in the saline portion of the Edwards Aquifer. Authorizes TCEQ by rule to authorize the injection of fresh water in a well that transects or terminates in the saline portion of the Edwards Aquifer as part of an aquifer storage and recovery facility. Defines, for purposes of this subsection, "Edwards Aquifer," "fresh water," and "saline portion of the Edwards Aquifer." Makes nonsubstantive changes.

SECTION 3. Effective date: September 1, 2011.