

1-1 By: Campbell S.B. No. 483
1-2 (In the Senate - Filed January 28, 2019; February 14, 2019,
1-3 read first time and referred to Committee on Water & Rural Affairs;
1-4 April 4, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 4, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 483 By: Rodríguez

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to permits for certain injection wells that transect a
1-20 portion of the Edwards Aquifer.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 27.0516(a)(1), Water Code, is amended to
1-23 read as follows:

1-24 (1) "Edwards Aquifer" means that portion of an arcuate
1-25 belt of porous, waterbearing limestones composed of the Edwards
1-26 Formation, Georgetown Formation, Comanche Peak Formation, Salmon
1-27 Peak Limestone, McKnight Formation, West Nueces Formation, Devil's
1-28 River Limestone, Person Formation, Kainer Formation, and Edwards
1-29 Group, together with the Upper Glen Rose Formation where scientific
1-30 studies have documented a hydrological connection to the overlying
1-31 Edwards Group trending from west to east to northeast through
1-32 Kinney, Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and
1-33 Williamson Counties. The permeable aquifer units generally overlie
1-34 the less-permeable Glen Rose Formation to the south, overlie the
1-35 less-permeable Comanche Peak and Walnut Formations north of the
1-36 Colorado River, and underlie the less-permeable Del Rio Clay
1-37 regionally.

1-38 SECTION 2. Sections 27.0516(b), (f), (h), (k), and (n),
1-39 Water Code, are amended to read as follows:

1-40 (b) This section applies only to the portion of the Edwards
1-41 Aquifer that is within the geographic area circumscribed by the
1-42 external boundaries of the Barton Springs-Edwards Aquifer
1-43 Conservation District but is not in the jurisdiction [~~that~~
1-44 ~~district's territory or the territory~~] of the Edwards Aquifer
1-45 Authority. This section does not apply to a wastewater facility
1-46 permitted under Chapter 26 or a subsurface area drip dispersal
1-47 system permitted under Chapter 32.

1-48 (f) The commission by rule, individual permit, or general
1-49 permit may authorize:

1-50 (1) an activity described by Subsection (e);
1-51 (2) an injection well that transects and isolates the
1-52 saline portion of the Edwards Aquifer and terminates in a lower
1-53 aquifer for the purpose of injecting:

1-54 (A) concentrate from a desalination facility; or
1-55 (B) fresh water as part of an engineered aquifer
1-56 storage and recovery facility;

1-57 (3) an injection well that terminates in that part of
1-58 the saline portion of the Edwards Aquifer that has a total dissolved
1-59 solids concentration of more than 10,000 milligrams per liter for
1-60 the purpose of injecting into the saline portion of the Edwards

2-1 Aquifer:

2-2 (A) concentrate from a desalination facility,

2-3 provided that the injection well must be at least three miles from

2-4 the closest outlet of Barton Springs; or

2-5 (B) fresh water as part of an engineered aquifer

2-6 and storage recovery facility, provided that each well used for

2-7 injection or withdrawal from the facility must be at least three

2-8 miles from the closest outlet of Barton Springs; ~~[or]~~

2-9 (4) an injection well that transects or terminates in

2-10 the Edwards Aquifer for:

2-11 (A) aquifer remediation;

2-12 (B) the injection of a nontoxic tracer dye as

2-13 part of a hydrologic study; or

2-14 (C) another beneficial activity that is designed

2-15 and undertaken for the purpose of increasing protection of an

2-16 underground source of drinking water from pollution or other

2-17 deleterious effects; or

2-18 (5) the injection of fresh water into a well that

2-19 transects the Edwards Aquifer provided that:

2-20 (A) the well isolates the Edwards Aquifer and

2-21 meets the construction and completion standards adopted by the

2-22 commission under Section 27.154;

2-23 (B) the well is part of an engineered aquifer

2-24 storage and recovery facility;

2-25 (C) the injected water:

2-26 (i) is sourced from a public water system,

2-27 as defined by commission rule, that is permitted by the commission;

2-28 or

2-29 (ii) meets water quality standards for

2-30 public drinking water established by commission rule; and

2-31 (D) the injection complies with the provisions of

2-32 Subchapter G that are not in conflict with this section.

2-33 (h) Rules adopted or a ~~[general]~~ permit issued under this

2-34 section:

2-35 (1) must require that an injection well authorized by

2-36 the rules or permit be monitored by means of:

2-37 (A) one or more ~~[a]~~ monitoring wells ~~[well]~~

2-38 operated by the injection well owner if the commission determines

2-39 that there is an underground source of drinking water in the area of

2-40 review that is potentially affected by the injection well; or

2-41 (B) if Paragraph (A) does not apply, one or more

2-42 ~~[a]~~ monitoring wells ~~[well]~~ operated by a party other than the

2-43 injection well owner, provided that all results of monitoring are

2-44 promptly made available to the injection well owner;

2-45 (2) must ensure that an authorized activity will not

2-46 result in the waste or pollution of fresh water;

2-47 (3) may not authorize an injection well under

2-48 Subsection (f)(2), ~~[or]~~ (3), or (5) unless the well is initially

2-49 associated with a small-scale research project designed to evaluate

2-50 the long-term feasibility and safety of:

2-51 (A) the injection of concentrate from a

2-52 desalination facility; or

2-53 (B) an aquifer storage and recovery project;

2-54 (4) must require any authorization granted to be

2-55 renewed at least as frequently as every 10 years;

2-56 (5) must require that an injection well authorized

2-57 under Subsection (f)(2)(A) or (3)(A) be monitored on an ongoing

2-58 basis by or in coordination with the well owner and that the well

2-59 owner file monitoring reports with the commission at least as

2-60 frequently as every three months; ~~[and]~~

2-61 (6) must ensure that any injection well authorized for

2-62 the purpose of injecting concentrate from a desalination facility

2-63 does not transect the fresh water portion of the Edwards Aquifer;

2-64 and

2-65 (7) must ensure that an engineered aquifer storage and

2-66 recovery facility project is consistent with the provisions of

2-67 Subchapter G that are not in conflict with this section.

2-68 (k) Notwithstanding Subsection (h)(3), the commission by

2-69 rule, individual permit, or ~~[a]~~ general permit may authorize the

3-1 owner of an injection well authorized under Subsection (f)(2), ~~[or]~~
3-2 (3), or (5) to continue operating the well for the purpose of
3-3 implementing the desalination or engineered aquifer storage and
3-4 recovery project following completion of the small-scale research
3-5 project, provided that:

3-6 (1) the injection well owner timely submits the
3-7 information collected as part of the research project, including
3-8 monitoring reports and information regarding the environmental
3-9 impact of the well, to the commission;

3-10 (2) the injection well owner, following the completion
3-11 of studies and monitoring adequate to characterize risks to the
3-12 fresh water portion of the Edwards Aquifer, formations included in
3-13 the Trinity Group, or [and] other fresh water associated with the
3-14 continued operation of the well, and at least 90 days before the
3-15 date the owner initiates commercial well operations, files with the
3-16 commission a notice of intent to continue operation of the well
3-17 after completion of the research project; and

3-18 (3) the commission, based on the studies and
3-19 monitoring, the report provided by Texas State University--San
3-20 Marcos under Subsection (1)(2), and any other reasonably available
3-21 information, determines that continued operation of the injection
3-22 well as described in the notice of intent does not pose an
3-23 unreasonable risk to the fresh water portion of the Edwards
3-24 Aquifer, formations included in the Trinity Group, or other fresh
3-25 water associated with the continued operation of the well.

3-26 (n) If the commission preliminarily determines that
3-27 continued operation of the injection well would pose an
3-28 unreasonable risk to the fresh water portion of the Edwards
3-29 Aquifer, formations included in the Trinity Group, or other fresh
3-30 water associated with the continued operation of the well, the
3-31 commission shall notify the operator and specify, if possible, what
3-32 well modifications or operational controls would be adequate to
3-33 prevent that unreasonable risk. If the operator fails to modify the
3-34 injection well as specified by the commission, the commission shall
3-35 require the operator to cease operating the well.

3-36 SECTION 3. The changes in law made by this Act apply only to
3-37 an application for an authorization described by Section 27.0516,
3-38 Water Code, as amended by this Act, filed with the Texas Commission
3-39 on Environmental Quality on or after the effective date of this Act.
3-40 An application filed with the Texas Commission on Environmental
3-41 Quality before the effective date of this Act is governed by the law
3-42 in effect on the date of filing, and that law is continued in effect
3-43 for that purpose.

3-44 SECTION 4. This Act takes effect immediately if it receives
3-45 a vote of two-thirds of all the members elected to each house, as
3-46 provided by Section 39, Article III, Texas Constitution. If this
3-47 Act does not receive the vote necessary for immediate effect, this
3-48 Act takes effect September 1, 2019.

3-49 * * * * *