

## note

# Legislation related to Groundwater Resources from the 80<sup>th</sup> Texas Legislature

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The 80th Legislative Session came to a frenetic close at the end of May with a number of important water-related bills passing in the waning moments before sine die. The bills with the biggest post-session buzz were Senate Bill 3 and House Bill 3, bills that created a process for establishing environmental flows standards for the state's rivers, among other items. Recognizing the importance of groundwater for environmental flows, the legislature included a seat for groundwater conservation districts on each basin and bay area stakeholders committee for each river basin and bay system in the state. Senate Bill 3 also created the Water Conservation Advisory Council to provide the governor, lieutenant governor, speaker of the house, legislature, board, commission, political subdivisions, and public with expertise in water conservation. Groundwater conservation districts have a seat on this council.

Another big part of Senate Bill 3 concerned the Edwards Aquifer Authority. The bill raised the permitted pumping cap from 400,000 acre-feet per year to 572,000 acre-feet; revised the critical period withdrawal reduction stages; and created a process to develop a critical period management plan to protect endangered species at Comal and San Marcos springs.

Other items in Senate Bill 3 include:

- policy statements in support of voluntary land stewardship as a water management tool to help increase surface water and groundwater supplies;
- an expedited process for amending regional water plans;
- a special provision for groundwater conservation districts in the priority groundwater management area in the Hill Country to consider the provision of water to a pond, lake, or reservoir to enhance the appearance of the landscape when granting permits;
- allowing the creation of the Sustainable Water Supply Research Center at The University of Texas at Arlington;
- the designation of unique reservoir sites and sites of unique ecological value according to recommendations in the regional and state water plans; and
- creation of the Tablerock Groundwater Conservation District in Coryell County.

The legislature did not change the joint planning process in groundwater management areas established in House Bill 1763 in the 79th session. However, they did add a policy statement to Chapter 36 of the Water Code that states: "It is the policy of the state to encourage public participation in the groundwater management process in areas within a groundwater management area not represented by a groundwater conservation district." Also, be sure to see the news item in this issue related to how new districts participate in the groundwater management area process.

The legislature created seven groundwater conservation districts, including

- Colorado County Groundwater Conservation District (House Bill 4032),
- Lavaca County Groundwater Conservation District (House Bill 4029),
- McLennan County Groundwater Conservation District (Senate Bill 1985),
- Northern Trinity Groundwater Conservation District (Tarrant County; House Bill 4028),
- Panola County Groundwater Conservation District (House Bill 1498),
- Tablerock Groundwater Conservation District (Coryell County; Senate Bill 3), and
- Upper Trinity Groundwater Conservation District (Hood, Montague, Parker, and Wise counties; Senate Bill 1983).

All but the Northern Trinity Groundwater Conservation District will have to hold elections to confirm the creation of the districts. The Culberson County Groundwater Conservation District received authorization to add the rest of Culberson County to the district's territory provided voters approve (Senate Bill 3).

There were also changes to the enabling legislation for the following districts:

- Barton Springs-Edwards Aquifer Conservation District (Senate Bill 747),
- Bee County Groundwater Conservation District (Senate Bill 404),
- Brazoria County Groundwater Conservation District (House Bill 4114),
- Duval County Groundwater Conservation District (House Bill 2070),
- Emerald Underground Water Conservation District (House Bill 4009),
- San Patricio County Groundwater Conservation District (Senate Bill 2029),
- Emerald Underground Water Conservation District (now Crockett County Groundwater Conservation District; House Bill 4009),
- Starr County Groundwater Conservation District (House Bill 2072), and
- Tri-County Groundwater Conservation District (now Gateway Groundwater Conservation District; Senate Bill 1950).

Other bills of interest to groundwater resources:

- House Bill 2654 allows general permits (and easier permitting path) to be used to permit wells for deep well disposal of brine concentrate from desalination plants;
- House Bill 3837 and House Bill 3838 address the regulation of injection and exploration wells for in situ uranium mining;
- Senate Bill 662 requires developers to send copies of pumping test information to the Texas Water Development Board and the local groundwater conservation district if they are required by a county or city to certify they have enough groundwater for the development;
- Senate Bill 714 allows groundwater conservation district to require water use reporting for all water wells (including those used to support oil and gas operations) except those used for household and livestock use;
- Senate Bill 1383 relates to district hearings and citizen suits for illegally drilling or operating a water well;
- Senate Bill 1604 concerns the disposal of low-level radioactive waste; and
- Senate Bill 1037 relates to the prevention of surface water or groundwater pollution from certain evaporation pits.

To see these bills, go to <http://www.capitol.state.tx.us/> and type in the bill name, click on the text tab, and be sure to look at the enrolled version.