

Item 5 – Legislation Relating to Aquifer Storage & Recovery Projects

Attached is draft language addressing deficiencies identified in the current Aquifer Storage and Recovery (ASR) statutes. Monique and I have developed wording that allows any entity to apply for an ASR project. The two categories of projects are:

1. Projects which increase the volume of water in the receiving aquifer and come from a fleeting source, and
2. All other projects

Projects falling under category #1 would file application using the TCEQ “Permit by Rule” method.

Projects falling under category #2 would file application using the TCEQ “Individual Permit” method.

We are currently asking other groundwater districts for their input on the language. I will ask the Board to approve language addressing the ASR issue allowing the District to submit the proposed bill to the Legislative Council.

Sec. 27.153. AUTHORIZATION FOR USE OF CLASS V INJECTION WELLS. (a) The commission may authorize the use of a Class V injection well as an ASR injection well:

- (1) by rule;
- (2) under an individual permit; or
- (3) under a general permit.

(b) In adopting a rule or issuing a permit under this section, the commission shall consider:

(1) whether the injection of water will comply with the standards set forth under the federal Safe Drinking Water Act (42 U.S.C. Section 300f et seq.);

(2) the extent to which the cumulative volume of water injected for storage in the receiving geologic formation can be successfully recovered from the geologic formation for beneficial use, taking into account that injected water may be commingled to some degree with native groundwater;

(3) whether the water's source geologic formation is the same as the receiving geologic formation and the extent to which the cumulative volume of water is increased in the receiving geologic formation, excluding injection of treated wastewater, and

(4) the effect of the aquifer storage and recovery project on existing water wells; and

(5) whether the introduction of water into the receiving geologic formation will alter the physical, chemical, or biological quality of the native groundwater to a degree that would:

(A) render the groundwater produced from the receiving geologic formation harmful or detrimental to people, animals, vegetation, or property; or

(B) require an unreasonably higher level of treatment of the groundwater produced from the receiving geologic formation than is necessary for the native groundwater in order to render the groundwater suitable for beneficial use.

(c) All wells associated with a single aquifer storage and recovery project must be located within a continuous perimeter

boundary of one parcel of land, or two or more adjacent parcels of land under common ownership, lease, joint operating agreement, or contract.

(d) The commission by rule shall provide for public notice and comment on a proposed general permit authorized under this section. The commission shall require an applicant for an individual permit authorized under this section to provide notice of the application by first class mail to any groundwater conservation district in which the wells associated with the aquifer storage and recovery project will be located and by publishing notice in a newspaper of general circulation in the county in which the wells will be located.

(e) The commission shall consider an ASR injection well under an individual permit, if the commissioner determines that the aquifer storage and recovery project may have any effect on existing water wells; or that the source water, other than treated wastewater, is produced from the same geologic formation as the receiving geologic formation.