

BILL	AUTHOR	STATUS	ACTION REQUESTED	COMMENTS
HB 722	Larson	Filed 1/10/2019		<p>Amends Chapter 36, Water, to add Section 36.1015 “Rules for Permits in Brackish Groundwater Production Zones”</p> <ul style="list-style-type: none"> • "Designated brackish groundwater production zone" means an aquifer, subdivision of an aquifer, or geologic stratum designated under Section 16.060(b)(5) by TWDB • defines the Gulf Coast aquifer <p>GCD must adopt rules, if petitioned to, for Designated brackish groundwater production zone that must allow withdrawals and rates of withdrawal of brackish groundwater from a designated brackish groundwater production zone not to exceed and consistent with the withdrawal amounts identified in Section 16.060(e)—developed by TWDB</p> <ul style="list-style-type: none"> • must have 30-year permits • must monitor water levels and water quality in same and adjacent aquifer • must monitor land elevations for subsidence • brackish permit holder must submit annual report • GCD must submit to TWDB for technical review <p>• Rules adopted under this section must provide that the production authorized from a designated brackish groundwater production zone is in addition to the amount of managed available groundwater provided under Section 36.108. To the extent possible, a district shall issue permits up to the point that the total volume of exempt and permitted groundwater production in a designated brackish groundwater production zone equals the amount of brackish groundwater that may be produced annually to achieve the groundwater availability described by the development board</p>

				<p>in its designation of the brackish groundwater production zone under Section 16.060(e).</p> <ul style="list-style-type: none"> • A district may not adopt rules limiting access to the production of groundwater within a designated brackish groundwater production zone to only those projects described by Subsection(c). <p>Concern: Gives TWDB authority over brackish groundwater permits, yet GCD must administer and bear risks that TWDB does not.</p>
HB 726	Larson	Filed 1/10/2019		<p>Amends §§ 36.113, 36. 122 and adds 36.426.</p> <p>§36.113: amends below consideration when granting a permit: (d) (2) the <u>projected effect of the proposed production [use of water]</u> unreasonably affects <u>aquifer conditions, artesian pressure, depletion, or subsidence</u>, existing groundwater and surface water resources, [or] existing permit holders, <u>or registered wells that are exempt from the requirement to obtain a permit under this chapter or district rules;</u></p> <p>(d-1) <u>The district ’s consideration of the projected effect of the proposed production on a registered well described by Subsection (d)(2) does not affect a permit exemption for the registered well under this chapter or district rules.</u></p> <p>Adds section 36.1147 (vested rights type rule regarding rule applicable to a permit authorization):</p> <p><u>Sec. 36.1147. LIMITATION ON APPLICABILITY OF RULES. The rules of a district in effect on the date an application for a permit or a permit amendment is submitted to the district are the only district rules that may govern the district ’s decision to grant or deny the application.</u></p>

				<p>Significantly overhauls 36.122 regarding Export.</p> <p>--repeals §§ 36.122(f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (q).</p> <p>Sec. 36.122. <u>EXPORT</u> [TRANSFER] OF GROUNDWATER OUT OF DISTRICT.</p> <p>(a) <u>This section applies to</u> [¶] an application for a permit or an amendment to a permit under Section 36.113 <u>that proposes the export</u> [transfer] of groundwater <u>for use</u> outside of a district's boundaries[, the district may also consider the provisions of this section in determining whether to grant or deny the permit or permit amendment].</p> <p>(b) A district may promulgate rules requiring a person to obtain an <u>operating</u> [a] permit or an amendment to <u>an operating</u> [a] permit under Section 36.113 from the district <u>to produce and export</u> [for the transfer of] groundwater. <u>A district may not require a separate permit for the export of groundwater for use outside</u> [out] of the district [to:</p> <p style="padding-left: 40px;">[(1) increase, on or after March 2, 1997, the amount of groundwater to be transferred under a continuing arrangement in effect before that date; or</p> <p style="padding-left: 40px;">[(2) transfer groundwater out of the district on or after March 2, 1997, under a new arrangement].</p> <p>(c) Except as provided in <u>Subsection (e)</u> [Section 36.113(e)], the district may not impose more restrictive <u>requirements or permit conditions on exporters</u> [transporters] than the district imposes on [existing] in-district users. <u>A district may not deny a permit because the applicant intends to export groundwater for use outside of the district.</u></p> <p>(d) The district may impose a reasonable fee for processing an application under this section. The fee may not exceed fees that the district imposes for processing other applications under Section 36.113. An application filed <u>under</u> [to comply with] this section shall be considered and processed under the same procedures as other applications for permits under Section 36.113 [and shall be combined with applications filed to</p>
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				<p>obtain a permit for in-district water use under Section 36.113 from the same applicant].</p> <p>(e) The district may impose an export fee or surcharge <u>on the holder of an operating permit for water exported for use outside of the district</u> using one of the following methods:</p> <ol style="list-style-type: none"> (1) a fee negotiated between the district and the exporter; (2) a rate not to exceed the equivalent of the district's tax rate per hundred dollars of valuation for each thousand gallons of water exported from the district or 2.5 cents per thousand gallons of water, if the district assesses a tax rate of less than 2.5 cents per hundred dollars of valuation; or (3) for a fee-based district, a 50 percent surcharge, in addition to the district's production fee, for water exported from the district. <p><u>(f-1) A district shall extend a term for a permit issued under this section that existed on May 27, 2019, on or before its expiration in the manner prescribed by Section 36.1145:</u></p> <ol style="list-style-type: none"> <u>(1) to a term that is not shorter than the term of an operating permit for the production of water to be exported that is in effect at the time of the extension; and</u> <u>(2) for each additional term for which that operating permit for production is renewed under Section 36.1145 or remains in effect under Section 36.1146.</u> <p><u>(f-2) A permit extended under Subsection (f-1) continues to be subject to conditions contained in the permit as issued before the extension.</u></p> <p>Adds moratorium on issuing permit procedures in Subchapter M-1</p> <p>Validates all export permits that have been issued prior</p>
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HB 1066	Ashby	Filed 1/24/2019		The bill applies 36.1145, regarding automatic permit renewals, to transport permits (permits exporting water out of the GCD under 36.122). It also applies 36.1146, changes to permits, to transport permits. This extends the same renewal and amendment criteria to transport permits as is currently applied to regular operating permits.
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