



***HB 2031 – Use of Marine Seawater and
HB 655 – Aquifer Storage and Recovery
Proposed Rulemakings***

***Presented by
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HB 2031 – Marine Seawater

- **Passed by Texas Legislature in 2015**
- **Exempts diversion and use of marine seawater with total dissolved solids of more than 10,000 mg/L from permitting requirements**
- **TCEQ is directed to permit by rule bed and banks authorizations for the movement of marine seawater**
- **Encourages marine seawater desalination projects**
- **Defines jurisdiction of state agencies and requires streamlined permitting process for marine seawater desalination projects**
- **TPWD and GLO identify zones appropriate for diversion of marine seawater**



HB 655 – Aquifer Storage and Recovery (ASR)

- **Passed by Texas Legislature in 2015**
- **Streamline requirements for ASR projects**
- **Gives TCEQ exclusive jurisdiction over ASR projects**
 - **Withdrawals cannot exceed amount authorized by the TCEQ**
 - **Must comply with Groundwater Conservation District registration, spacing, permitting, and production rules and fees**
- **Clarifies that a surface right amendment is not needed to store appropriate surface water in ASR**
- **Water quality considerations**
- **Reporting and monitoring requirements**



Rulemaking

- **Proposed rulemaking implements HB 655 and a portion of HB 2031**
- **Amends 30TAC§39, 295, 297, and 331**
- **Public notice requirements for applications for class V underground injection wells**
- **Remove requirements for two-phase ASR project approval process**
- **Removes requirement that injected water meet requirements for public drinking water supply**
- **Adds construction, operation and reporting requirements**



30 TAC §39 – Permit for Class V Injection Well

- **Adds Class V Injection Well category**
 - general activities that release water or another liquid into the ground
 - May be regulated by TCEQ or RRC depending on activity
- **Public notice requirements similar to Class I (industrial and municipal waste) or Class III (extraction of minerals other than oil and gas)**



30 TAC §295 – Water Rights Procedural

- **Eliminates requirement that ASR projects using appropriated water must first develop a pilot project**
- **Removes requirement to amend water rights prior to undertaking an ASR project**
 - **Need no additional authorization beyond water right under this chapter**
- **ASR project still must meet the requirements of Texas Water Code Chapters 27 and 36**



30 TAC §297 – *Water Rights Substantial*

- Amended definition of Aquifer storage and Recovery Project
 - A project involving the injection of water into a geologic formation for the purpose of subsequent recovery and beneficial use by the project operator.
- Adds definition for marine seawater
 - Water that is derived from the Gulf of Mexico.



30 TAC §331– *Underground Injection Control*

- Chapter where most changes made
- Only hitting highlights



City of Kerrville ASR Facility



30 TAC §331.2 – Definitions

- **Adds definitions for:**
 - **Aquifer storage and recovery injection well**
 - **Aquifer storage and recovery production well**
 - **Aquifer storage and recovery project**
 - **Native groundwater**
 - **Project operator**



30 TAC §331.7 – Permit Required

- **ASR may be authorized by permit, general permit or permit-by-rule**
- **Most anticipated to be issued by rule**
- **No plans to develop general permit at this time**
- **Executive Director may, at their discretion, require an individual permit**



30 TAC §331.183 – Construction and Closure Standards

- **An ASR injection well may also be used as the production well**
 - **If using one well for both and recovered water will serve a public water system, it must be constructed in accordance with 30 TAC§290.41**
- **An ASR project must be:**
 - **Within a continuous perimeter boundary of one parcel of land**
 - **Within two parcels under common ownership, lease, joint operating agreement, or contract**



30 TAC §331.184 – Operating Requirements

- **Proposes to remove requirement that water injected for storage must meet the water quality standards in 30 TAC§290 – Public Drinking Water**
- **Revised to require that injected water does not result in pollution**
 - **May require treatment before injection**
- **Water recovered for beneficial use by a public water system must meet water quality standards in 30 TAC§290 – Public Drinking Water**
- **Wells must be metered**



30 TAC §331.184 – Operating Requirements continued

- **For project within the jurisdiction of a Groundwater Control District (GCD)**
 - **Amount recovered cannot exceed amount injected**
 - **ASR project subject to GCD's requirements for:**
 - **registration and reporting,**
 - **production requirements for volumes beyond the amount injected**
 - **GCD fees and surcharges**



30 TAC §331.185 – Monitoring and Reporting Requirements

- **Monthly report**
 - **Volume injected**
 - **Volume recovered**
 - **Monthly average injection rates**
 - **Monthly average injection and retrieval volumes**
 - **Monthly average injection pressure**
 - **Monthly water quality analysis of injected water**
 - **Other, as required**
- **Annual water quality report on both injected and recovered water**
 - **Parameters identified in permit or authorization**



Implementation

- **Anticipated Adoption Date: April 27, 2016**





**Brazos
River
Authority**