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

Presented by
Tiffany Morgan
Environmental Services Manager

Meeting Date: April 14, 2016
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