

## **BILL ANALYSIS**

H.B. 3036  
By: T. King

### **BACKGROUND AND PURPOSE**

Landowners relying on the Edwards and Trinity aquifers for water supply and those with real property along streams in the Hill Country are increasingly concerned about wastewater discharges degrading water quality and negatively impacting property values and drinking water resources. The weight of scientific evidence has overwhelmingly demonstrated the extremely limited capacity of these critical water resources to assimilate even highly treated wastewater, leading to contentious and expensive protests of Texas Commission on Environmental Quality (TCEQ) permits by affected landowners with highly uncertain outcomes. Although wastewater discharges are currently prohibited over the recharge zone of the Edwards Aquifer to protect drinking water supplies, no such protection exists for landowners relying on the Trinity Aquifer for water supply, or the contributing zone of the Edwards Aquifer which drives the quality of water recharging the Edwards Aquifer.

The land application of wastewater effluent via the Texas Land Application Permit (TLAP) program at TCEQ is a proven method for managing wastewater in these environmentally sensitive areas. When coupled with beneficial reuse of treated effluent (also known as reclaimed water), TLAP can be a significant water conservation strategy. TCEQ is currently considering rules to provide credit for beneficial reuse to reduce the area of land and amount of storage that would be required for land application facilities making them less expensive and incentivizing investment in reuse infrastructure that will help reduce demands on already limited regional water supplies. H.B. 3036 protects private property values, protects groundwater resources that are critical regional drinking water supplies, reduces uncertain and expensive permit protests, and incentivizes better water conservation practices.

### **ANALYSIS**

H.B. 3036 amends the Water Code to restrict the TCEQ from issuing new or expanded wastewater discharge permits in the contributing zone of the Edwards Aquifer. The bill defines the “contributing zone” as the area where runoff from rainfall would flow downstream to the Edwards Aquifer recharge zone, excluding the portions of the contributing zone north and east of the Colorado River. The bill does not apply to individual or general stormwater permits.

The bill also requires TCEQ to reduce the area of land and volume of storage required for land disposal of treated wastewater effluent by the amount of firm reclaimed water demand. “Firm reclaimed water demand” is defined as the amount of treated wastewater effluent that can be guaranteed to be beneficially reused for indoor or outdoor uses under a separate beneficial reuse authorization from TCEQ. The bill requires that TCEQ adopt procedures by which wastewater land application permit applicants may demonstrate firm reclaimed water demand, and allows permittees to change areas utilizing beneficial reuse without triggering a major amendment of the permit as long as the volume of demand is not reduced.

### **EFFECTIVE DATE**

September 1, 2017