

Three water bills to watch in the Texas Legislature

By Brendan Gibbons

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Photo: William Luther /San Antonio Express-News

A large sinkhole in Medina County, one of the largest single recharge features of the Edwards Aquifer, helps to channel rainwater into the aquifer.

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Ah, the Texas legislative session: A 140-day mad scramble to amend the laws of our big state between Jan. 10 and Memorial Day, with more than 9,000 bills filed so far.

Of those, roughly 375 introduced in this 85th Legislature have something to do with water. They cover a huge variety of subjects including water utilities, groundwater rights and regulation, navigation and environmental protection.

Here are three of the most interesting water bills this session, chosen for their relevance to San Antonio and its surroundings.

Sewage and streams

Senate Bill 1796, sponsored by state Sen. José Menéndez, D-San Antonio, could put an end to a long-running battle over whether sewage plants should be allowed to discharge treated effluent into streams that eventually flow into the Edwards Aquifer recharge zone.

The fight pits environmentalists and longtime Hill Country landowners against developers and sewage plant engineers. An influx of new housing in the Hill Country often brings new sewage plants that discharge treated wastewater into some of Texas' cleanest streams.

"They are spring-fed, pristine and unique to other streams in the state," Con Mims, executive director of the Nueces River Authority, said at a Senate committee hearing this month. "Essentially, they are long, flowing aquariums."

Groups such as the Greater Edwards Aquifer Alliance say sewage effluent degrades these streams and that the sewage should instead be applied to the ground as fertilizer or dried out via evaporation. In January, a district judge in Travis County sided with GEAA and overturned a wastewater discharge permit for the Johnson Ranch development in Comal County.

But at the committee meeting, business groups and engineers argued that such discharge permits come with stringent requirements that do a good job of protecting streams.

"Highly treated effluent will not adversely impact the receiving water," said Robert Callegari, an engineer who worked on a sewage plant for Dripping Springs. "In my opinion, the TCEQ (Texas Commission on Environmental Quality) is better suited to sort through these arguments on a case-by-case basis instead of making a broad ban on discharges."

David Galindo, water quality division director for the TCEQ, asked to give neutral background information on the bill, responded to a question from state Sen. Charles Perry, R-Lubbock, about what developers would do if they can't discharge in the Hill Country.

"That's a good question," Galindo replied. "When your options are limited like that and you don't have the area available to land-apply, you might opt for septic tanks."

The bill is pending in the Senate Agriculture, Water and Rural Affairs Committee.

School lead testing

The crisis that left drinking water in Flint, Michigan, contaminated with toxic levels of lead is still causing ripples as far as Texas.

State Rep. Nicole Collier, D-Fort Worth, is sponsoring House Bill 2395, which would require schools to test their facilities for lead contamination. Currently, state law, for the most part, requires only drinking water utilities, not schools, to test their systems for lead.

"Students typically spend 180 days a year in these school buildings, and we should at least be able to ensure the water they drink doesn't hinder their ability to learn," Collier said at a recent committee hearing.

Because water sources and quality vary greatly throughout the state, Collier gave several different examples at the hearing, from Texarkana to San Antonio.

“The water system in San Antonio’s good, but we just need to make sure when it gets to the children in the drinking fountains and so forth that it’s good,” she said.

At the hearing, San Antonio pediatrician Ryan Van Ramshorst called the bill “a great step in the right direction in terms of building on the Safe Drinking Water Act.”

Luke Metzger, director of Environment Texas, struck a neutral tone, saying the bill could do more to protect children from lead exposure.

“We absolutely think the Legislature needs to require testing,” he said, but “the ultimate solution is to remove those lead pipes.”

The bill is pending in the House Public Education Committee.

Groundwater power struggle

One of the most intense debates over groundwater issues in Texas centers on whether the state’s 99 groundwater conservation districts have too tight a grip on the transfer of water to other areas.

Most districts have boundaries that extend to one or two counties, though they sit over aquifers that often extend under large swaths of the state. While there are certain requirements, districts for the most part create their own rules about who gets a groundwater permit and how much they can use. A landowner on one side of a county line might face completely different rules than a neighbor on the other.

Perry, who is chairman of the Senate Agriculture, Water and Rural Affairs Committee, has filed an omnibus bill, Senate Bill 1392, that would in part require districts to work with neighboring districts to create “similar” rules for a “subdivision of a groundwater reservoir” that the districts share.

“We’ve got all these little micro-managers running around on the same aquifer that performs the same way, the same geology, recharges the same, use is the same, and we’ve got different sets of rules,” Perry said in a committee hearing.

People from groundwater districts across the state testified for and against Perry’s bill, which may see significant changes before it leaves committee. Some said the current system of greater local control is working fine for their districts.

“Why should we change all of our rules to an unproven similar set of rules that may not fit any one singular district and may not change our (desired future conditions)?” said L.G. Raun, a board member of Coastal Bend Groundwater Conservation District.

The bill is pending in the committee.

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