

Hill Country Alliance - Bill Listing: 86th Texas Legislature

GOOD for the Hill Country:

HB 13: Phelan Flood Planning, Mitigation, Projects

Directs the TWDB to prepare and adopt a state flood plan (based on regional flood plans), and would create a new state flood infrastructure fund to provide state financial assistance for structural and nonstructural projects for flood mitigation and drainage, and appropriates \$3.26 billion out of the state's Economic Stabilization Fund for the new flood fund.

HB 136: Mary Gonzalez Pollinator Health

Would create a pollinator health committee to study threats to bees and other pollinators and develop a plan to protect them.

HB 509: Wilson Aggregate Mining Reform

Would move the permitting authority for rock quarries and sand and gravel mines (aggregate production operations) to the Railroad Commission, while specifying certain processes by which local governments, the TCEQ, and groundwater conservation districts would weigh in to the process.

HB 721: Larson Aquifer Storage & Recovery Studies

Directs the Texas Water Development Board (TWDB) and managers to conduct Aquifer Storage and Recovery studies of aquifer characteristics and water needs, and to report to the governor, lieutenant governor, and speaker of the house of representatives.

HB 722: Larson Brackish Groundwater Production

Water Code amendment of brackish groundwater production zones. Allows for adoption of rules, annual reports, and 30-year permit terms.

HB 723: Larson Surface Water Availability Model Update

Updates long out of date Surface Water Availability Models (WAMs) for the Guadalupe River, Nueces River, and the San Antonio River basins to provide the necessary information to make planning decisions and issue water rights or amendments to existing surface water rights.

HB 817: King, T **Direct Discharge Ban in Nueces River Basin**

Protects the water in the Edwards Aquifer by prohibiting the discharge of treated effluent into streams and rivers in the Nueces River Basin within the Aquifer's Contributing Zone. (SB-655: Flores)

HB 991: Burns **Eminent Domain Reform**

Widely supported bill that would provide legal and informational relief to property owners who are faced with eminent domain proceedings. (SB 421: Kolkhorst)

HB 1044: Zwiener **Aquifer Storage & Recovery Authorization**

Would allow the City of Buda to inject fresh drinking water into a Trinity well transecting the Edwards Aquifer as part of an engineered Aquifer Storage & Recovery (ASR) system. Construction, permitting, and monitoring of the well would all be overseen by the Texas Commission on Environmental Quality. (also, SB 483)

HB 1059: Lucio III **Green Stormwater Infrastructure**

Directs the Texas Commission on Environmental Quality (TCEQ) to prepare a biennial report on the use of Green Stormwater Infrastructure (GSI), inventorying existing GSI installations in the state, estimating how much stormwater is managed by these features, setting goals and providing recommendations for increasing the use of GSI. (SB 1381)

HB 1125: Murr **Historic Courthouse Preservation**

Enhances a rural county's ability to access State Historical Preservation funds for the preservation of historic courthouses.

HB 1214: Cyrier **Parks and Wildlife Department Funding**

Allocates state sales and use taxes on sporting goods to the Texas Parks and Wildlife Department. (SB-526)

HB-1303: Zwiener **Billboards**

Would ban the installation of billboards along several scenic state roads in Hays County.

HB 1304: Zwiener **Groundwater Conservation District Funding**

Authorizes the Hays Trinity Groundwater Conservation District (GCD) to charge fees for certain commercial uses in order to generate revenue critical to a functional District.

HB 1479: King, T **Edwards Irrigation Rights Transfer Rules**

Would allow *Base Irrigation* Edwards water rights from formerly irrigated land to be transferred to another use, but not transferred out of county.

HB 1594: Shine **Edwards And Trinity Aquifers GAM Update**

Would update the findings made in the 1999 "*Changes in Groundwater Conditions in the Edwards and Trinity Aquifers, 1987-1997, for Portions of Bastrop, Bell, Burnet, Lee, Milam, Travis, and Williamson*

Counties, Texas"; and update all portions of the Edwards Aquifer and Trinity Aquifer groundwater availability models (GAM) in order to better address the interaction between the Edwards and Trinity Aquifers and to reflect current and projected groundwater production in light of the increased development and population growth in the areas overlying those aquifers.

HB 1824: Murr Fish Habitat Protection

Allocates taxes from the sale of aggregates to the enhancement, preservation, and restoration of fish habitats in rivers and streams by the Texas Parks and Wildlife Department (TPWD).

HB 2201: Goodwin Set Election Date for Travis Co. Groundwater District

Would set a November 2019 confirmation and Director election for the Southwestern Travis County Groundwater Conservation District. (SB 669: Buckingham)

HB 2277: Zwiener Pipeline Environmental Assessment

Amends Chapter 121, Utilities Code, to require an analysis to identify and assess potential impacts on endangered and threatened species, air and water quality, aquifers, and historic, cultural, and archaeological sites that could result from the construction and operation of the pipeline and delivers the analysis to the railroad commission in writing.

HB 2484: Farrar Pollinator Health

Would create a pollinator health committee to study threats to bees and other pollinators and develop a plan to protect them.

HB 2590: Biedermann Municipal Utility District Reform

Would strengthen the application process for Municipal Utility Districts, as well as grants counties more authority over density and addresses land use within the Hill Country Primary Groundwater Management Area to protect groundwater and surface water quality.

HB 2710: Murr Aggregate Mining Reform

Institutes a self-funded bonding plan for the restoration of spent or abandoned aggregate production operations.

HB 2871: Biedermann Aggregate Mining Reform

Would move the general regulation (permitting, monitoring, reporting, enforcing) of rock quarries and sand and gravel mines to the Railroad Commission.

HB 2880: Zwiener Water Conservation Study

Requires The Texas State University Meadows Center for Water and the Environment shall study whether state and local building codes and other requirements in this state hinder the use of water conservation technology, including xeriscaping, greywater use, reclaimed water use, and rainwater harvesting and collection

HB 2939: Zwiener Aggregate Operation Requirement

Requires that an aggregate production operation located within one-half mile of a single-family residence or hospital may operate only between the hours of 7 a.m. and 9 p.m.

HB 2956: Zwiener County Authority for 100 Year Floodplain Zoning

Allows that the commissioners court of a county may regulate, including by adopting zoning regulations, impervious cover located in the unincorporated area of the county and in the 100-year floodplain of perennial and intermittent streams and rivers.

HB 2957: Zwiener Outdoor Watering Restrictions

Requires certain public utilities to have a water conservation program in place that includes mandatory time-of-day limitations on outdoor watering by its customers before they may receive financial assistance from the Texas Water Development Board.

HB 3033: Zwiener Aggregate Production Operation Location Restriction

The commissioners court of an urban county by order may regulate the construction of an aggregate production operation by restricting the location of a production operation to not less than one mile from a residence, school, place of worship, or hospital.

HB 3034: Zwiener Aggregate Production Operation Road Load Limits

The commission may not issue an air permit to an aggregate production operation unless the operation demonstrates that the Texas Department of Transportation and the commissioners court of the operation's county have established load limits under the Transportation Code.

HB 3035: Zwiener Equitable Administrative Penalty Assessment

In determining the amount of an administrative penalty, the TCEQ shall, to the extent practicable, ensure that the amount of the penalty is at least equal to the value of any economic benefit gained by the alleged violator through the violation.

HB 3099: Nevárez Val Verde Co. GW/SW Study

Would require hydrologic management standards to support the creation of a GCD to protect the Devils and Pecos River and its associated springs in Val Verde County.

HB 3261: Menendez Green Stormwater Infrastructure

Would require use of Green Stormwater Infrastructure in new state buildings. (SB 2063)

HB 3264: Buckley Groundwater Model Update

Requires the TWDB to conduct a study regarding groundwater production and impacts to the Trinity and Edwards Aquifers in Bell, Burnet, Milam, Travis, and Williamson Counties.

HB 3320: Zwiener Edwards Recharge Zone Protection

The TCEQ may require the owner or operator of a facility used in connection with an activity that is associated with the exploration, development, or production of oil, gas, or geothermal resources and regulated by the Railroad Commission of Texas to submit to the commission a water pollution abatement plan for the facility if the facility is located in the recharge zone of the Edwards Aquifer.

HB 3324: Zwiener Groundwater Protection Plan for Petroleum Pipelines

Would require that petroleum pipeline operators who operate large diameter pipelines implement a groundwater impact plan as created and implemented by TCEQ rule.

HB 3326: Zwiener Hazardous Pipeline Depth Requirement

A municipality may require a hazardous material pipeline to be buried to a depth of not more than 12 feet.

HB 3327: Zwiener Notice Of Intent By Common Carrier

A common carrier that intends to exercise eminent domain authority for the construction and operation of an oil and gas pipeline must send a written notice of intent to affected county judges and groundwater districts. As soon as practicable after the date for the public meeting is selected, a county judge or a member of a board of directors of a groundwater conservation district jointly designated by the notice recipients shall give notice of the meeting to the common carrier.

HB 3798: Biedermann Aggregate Mining Reform

Would put more constraints on rock quarries and sand and gravel mines during the permitting process. It would require operators to present a satisfactory reclamation plan and performance bond for reclamation to the Railroad Commission and that the local groundwater conservation district affirm water availability before the TCEQ grants a permit. It would also extend the buffer required between a rock crusher and a school, home, or place of worship to 1 mile.

HB 4060: Zwiener Pipeline Emergency Fund

The TCEQ shall establish pipeline emergency preparedness fees to be assessed for permits or registrations for pipelines under the jurisdiction of the commission's pipeline safety and regulatory program. Those fees shall establish a grant program to provide for emergency preparedness expenses, such as the creation of evacuation plans for pipeline-related emergencies, such as spills or leaks.

HB 4067: Murr Flood Debris Removal

Allows federal funding mechanism to fund the removal of "wet" flood debris in Texas rivers and streams.

HB 4110: Zwiener Septic System Infrastructure

Would require TCEQ to submit a report on the effects, regulation, and best management practices for on-site sewage disposal systems on the Edwards Aquifer Recharge Zone by March 1, 2020.

HB 4116: Zwiener Effluent Discharge Accident Fund

The commission shall establish a program to allow a permit holder to deposit with the commission an amount of money or evidence of equivalent financial assurance to be held in escrow by the commission to be used in the event the permit holder causes a discharge that results in damage to the environment.

HB 4148: Zwiener Dark Sky Community Protection

Would allow cities that have applied for designation as International Dark Sky Communities to apply their outdoor lighting ordinances in their extra-territorial jurisdictions.

HB 4158: Zwiener Dark Sky Community Funding

Would allow cities that have applied for designation as International Dark Sky Communities to expend Hotel Occupancy Tax revenue on the promotion and preservation of Dark Skies through the construction and maintenance of infrastructure that reduces light pollution.

HB 4423: Zwiener Pipeline Accident Insurance

A pipeline operator shall file an additional bond, letter of credit, or cash deposit in an amount equal to \$1,000 for each mile of pipeline, conditioned that the pipeline operator will comply with the requirements of the Natural Resources Code.

HB 4488: Zwiener Rain Water or Greywater System Taxation

Would prohibit ad valorem taxation on the portion of the assessed value of a person's property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. (see also [HJR 146](#): Zwiener)

HB 4570: Larson Surface Water and Groundwater Interaction Advisory Board

Would create a temporary Surface Water and Groundwater Interaction Advisory Board made up of stakeholders from relevant state agencies. The Advisory Board would publish a study: the extent to which surface water and groundwater interact, challenges arising from the interaction of surface water and groundwater; and approaches to mitigating those challenges. Consultants in this study will include TCEQ, GCDs, and River Authorities.

HB 4573: Zwiener Eminent Domain Guidance

The TPWD shall provide guidance to landowners undergoing the eminent domain process concerning fish, wildlife, nongame, and habitat management.

SB 421: Kolkhorst Eminent Domain Reform

Protects property owners' rights by requiring the delineation of the provisions and requirements of eminent domain provisions on a property. If enforced, this requires a level of transparency that does not currently exist for these projects, and sets limits on abuses by the condemning entity.

SB 520: Campbell **New Braunfels ASR Authorization**

The bill would allow the City of New Braunfels to inject fresh water with a total dissolved solids concentration of less than 1,500 milligrams per liter into a portion of the Saline Edwards Aquifer that. Oversight by the Edwards Aquifer Authority would ensure that the integrity of the aquifer and quality of groundwater would be protected. (HB 481: Kuempel)

SB 942: Johnson **Conservation Easements to Protect Water Quality**

Gives clear legislative authority to the TWDB to make state financial assistance from the state water pollution control revolving fund available for use of conservation easements and other such tools that are effective in reducing nonpoint sources of water pollution.

BAD for the Hill Country:

HB 1806: King, T **Edwards Aquifer Authority Act Export Revision**

Would change the Edwards Aquifer Authority Act to allow a public utility to export Edwards Water out of District on a retail or wholesale basis. As of this writing, limited to 6,000 acre-feet/year. From a practical standpoint, it would allow certain wholesale and retail water suppliers to evade the original intent to protect Edwards Aquifer spring flows and respect the value of permitted Edwards water by reserving it for sale within the Aquifer's boundary. The bill would exacerbate the growing problem of new effluent creation and management. (See also [SB 1170](#) -- Campbell)

HB 1964: Ashby **Water Rights Rules Relaxation**

This is a reprise of the version of SB 226 from 2017. It continues efforts from last session to provide additional types of water right amendments, expedited consideration or exemption from notice, and opportunity to request a contested case hearing. It would expressly prohibit technical review by TCEQ staff of a qualifying application. This bill further streamlines the process and limits public engagement in the process.

HB 2122: Harris **GCD Permit Uniformity**

Depending on local conditions, GCDs may permit production based on several realities including volume based on surface acreage. This bill could force GCDs to change rules to permit public utility groundwater production based only on surface acreage owned by permit applicant -- whether or not it is the best way to regulate in that specific district. (SB 2026: Perry)

HB 2125: Burns GCD Lawsuit Protection

Due to a cost savings compromise in 1995, GCDs became the only state regulatory agencies that have no access to the State’s Attorney General when fighting lawsuits. That 1995 compromise is not ideal, however it is preferable to this “remedy”. This bill would favor commercial interests and large municipal utilities, would violate the compromise, and would force small budget GCDs to bear the financial cost of permit application disputes. Many GCDs are weary of the perineal legislative push by commercial interests and have grudgingly agreed to HB-2125 (especially when the alternative is SB 851). Until GCDs have full access to the Attorney General’s office, HCA stands by the 1995 compromise agreed to by both parties. (see also SB 851: Perry)

HB 2249: Lucio GCD Permit Uniformity

The opposite of HB 2122. Would require GCDs to issue public utility permits based on the number of acres served by a utility rather than by how many acres a utility actually owns. Both bills remove discretion from GCDs to create rules and issue permits based on the hydrologic realities that may be specific to their circumstances.

HB 2771: Lozano Petroleum Production Waste Water Discharge

Shifts oil and gas wastewater effluent discharge permit responsibility from the Railroad Commission to the TCEQ by September of 2020. This effluent would be normally treated as a hazardous waste under federal law if the industry didn’t enjoy a special exemption -- and as such we must be very careful about making special interest allowances to pollute our rivers and streams.

HB 3114: Kacal TCEQ Dispute Resolution

Would allow TCEQ to completely bypass the independent State Office of Administrative Hearings to resolve disputes and hire their own in-house administrative law judge to hear contested water oriented case hearings for things like wastewater discharge permits. It would also give TCEQ broad authority to reverse the recommendation that results from the contested case hearing. This is part of an ongoing effort to undermine the contested case hearing process, and try to ensure that it does not result in limitations on, or denial of, a permit application.

HB 3417: Toth Local Control Rollback

Would prohibit cities from enacting ordinances affecting the Extra Territorial Jurisdiction (ETJ) without explicit authorization from the State.

HB 3644: Murr Edwards Aquifer Authority Act -- Export Revision

Would amend the 1993 Edwards Aquifer Authority Act to allow unusable Edwards Aquifer dedicated irrigation permits tied to the land to be sold or transferred for other uses out of county. History has demonstrated that once water rights move to service growth in another county, that water will never come back to serve future growth in its home county – and will not benefit the spring flows that the EAA Act was created to protect. Don’t eat your seed corn.

HB 3656: Murr **Edwards Aquifer Authority Act -- Export Revision**

Would amend the 1993 Edwards Aquifer Authority Act to allow unusable Edwards Aquifer dedicated irrigation permits tied to the land to be sold or transferred (for irrigation uses only) out of county. A more economically protective bill for source counties than HB 3634, but worth watching for amendments that would change the irrigation use only clause.

HB 3750: Kuempel **Local Control Rollback**

Prohibits cities from regulating water quality in the ETJ above minimum state/federal standards.

HB 3843: Nevárez **Val Verde Co. Water Management**

Uses a fixed set of supply and demand parameters in conjunction with undetermined hydrologic assumptions for the management of the Devils and Pecos River -- and its associated springs in Val Verde County. HCA recommends more flexibility to manage based on the evolving understanding of local hydrology.

SB 851: Perry **GCD Lawsuit Protection**

Due to a cost savings compromise in 1995, GCDs became the only state regulatory agencies that have no access to the State's Attorney General when fighting lawsuits. That 1995 compromise is not ideal, however it is preferable to this "remedy". This bill favored by commercial interests and large municipal utilities, would violate that compromise, and allow small budget GCDs to bear the financial cost of permit application disputes.

SB 2026: Perry **GCD Permit Uniformity**

(See [HB 2122](#): Harris)

SB 2078: Campbell **Local Control Rollback**

Would take away a city's power to regulate "an activity or structure" in their ETJ. This bill would weaken or eliminate a city's ability to protect water quality, respond to pollution spills, or require mitigation of voids in aquifers encountered during construction in the ETJ. Water quality protection in the ETJ of cities would effectively be left to the already underfunded TCEQ. ([See HB 4320](#): Kuempel)

SB 2126: Creighton **Removal of TPWD from River Protection Permits**

Texas Parks and Wildlife Department is the agency responsible for the health and wellbeing of aquatic life in Texas streams and rivers. This bill removes TPWD from the permitting process that allows River Authorities to dredge and or remove sand, gravel, mud, etc. from river bottoms without permit from the TPWD.

WORTH WATCHING:

HB 726: Larson **Groundwater Regulation Reform**

This bill is a revision of legislation – HB 31 (Larson) in the 85th Texas Legislature – that was passed by the House in 2017 but did not receive action in the Senate before that regular session ended. There are pros and cons to different provisions of HB 726 as filed that make numerous changes in that part of the Water Code that governs most groundwater conservation districts (GCDs). It DOES include protective consideration of registered exempt wells in permitting decisions. However, it doesn't include consideration of aquifer conditions, artesian pressure, depletion, or subsidence, as had originally been proposed; and it allows permit holders to extend their export permits without a public hearing. So, we will watch additions and substitutions.

HB 1066: Ashby **Alignment of Aquifer Export and Production Permits**

Aligns permit time limits for groundwater export/transport permits and operating permits. HCA would like more protective language in the event of condition changes in the aquifer's production capacity.

HB 4669: Wilson **Northeast Burnet County Water District No. 1**

Would create the Northeast Burnet County Water District No. 1 and give that District the usual range of taxation and infrastructure improvement authority including the power of eminent domain.

SB 407: Birdwell **River Authority Board Appointments**

Gives the Governor the authority to appoint River Authority Board Presidents rather than by election by the Board. Would affect the Guadalupe Blanco, and the Nueces River Authorities. (See also SBs [625](#), [626](#))

SB 1010: Perry **GCDs Production Rule Unification**

The bill would amend the Water Code to restrict the authority of groundwater districts to make or to enforce rules that are dissimilar to rules promulgated by other groundwater districts that overlie the same aquifer. Dissimilar rule creation and enforcement must be supported by an explanation by December 1, 2019. HCA understands the Senator's position on rules homogeneity across an aquifer, and would note that all Districts in the Hill Country are currently working to bring their dissimilar rules into conformity where allowed by local aquifer characteristics and their enabling legislation. However, the complexity involved in meeting a December 1, 2019 deadline for explanatory report is unrealistic and would be more appropriately accomplished within the geographic and timeline framework of the GMA planning cycle.

SB 1170: Campbell **Edwards Aquifer Authority Act Export Revision**

Would change the Edwards Aquifer Authority Act to allow export of fresh Edwards water out of the District. As of this writing, limited to 6,000 acre-feet/year. (HB-1806: King)