

Texas Desalination Association Legislative Update

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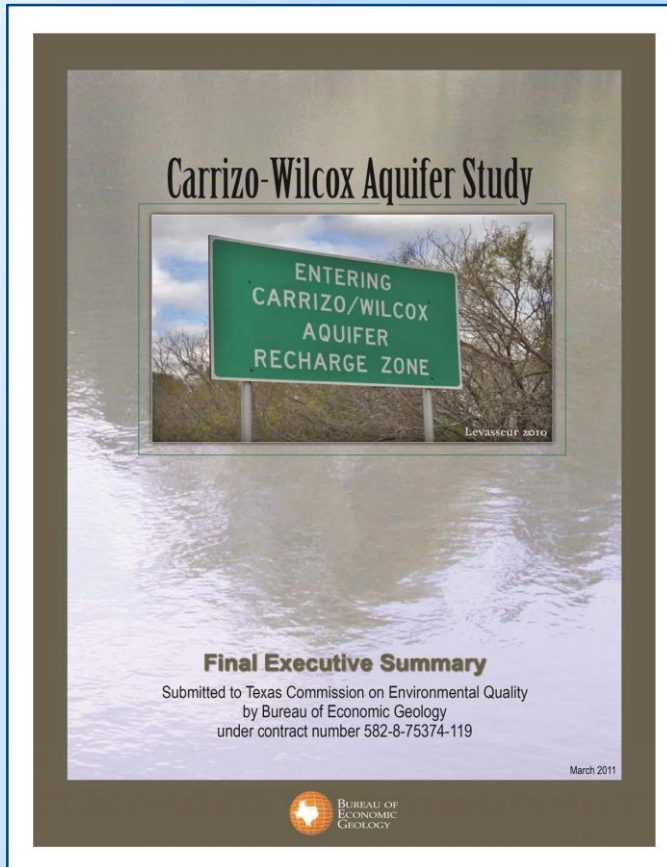
TexasDesal's Mission Statement

...to encourage better use of Texas' water resources through the development of brackish, marine and other saline waters.

Texas Administrative Code 36.0015.(b)...

Groundwater conservation ***districts created*** as provided by this chapter are the State's preferred method of groundwater management ***in order to protect property rights,*** balance the ***conservation and development*** of groundwater ***to meet the needs of this state,*** and use best available science in the conservation and development of groundwater through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter. (Emphasis added)

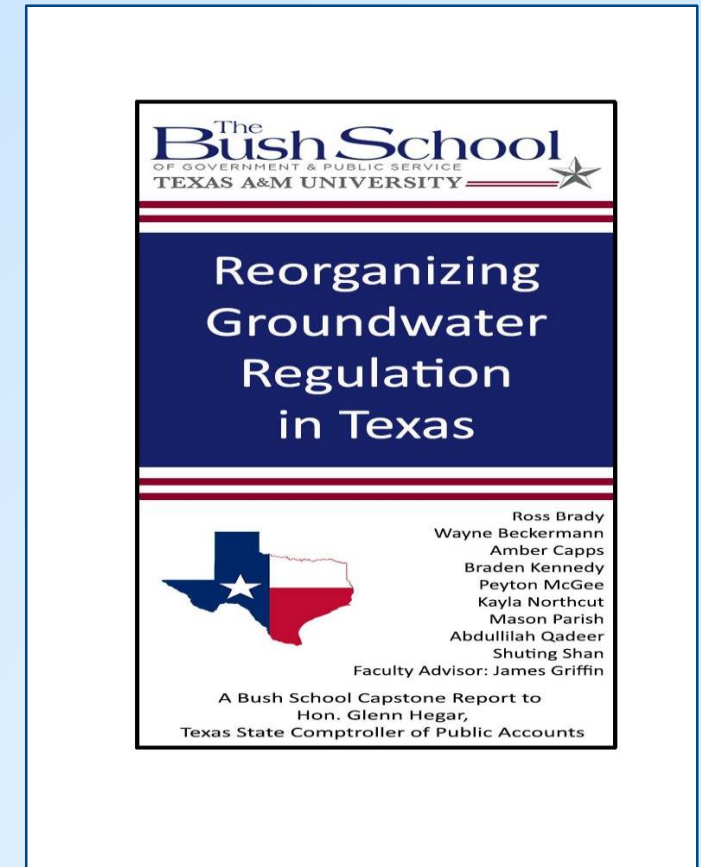
3 Texas Universities Have Evaluated Our Groundwater System



Bureau of Economic Geology, UT-Austin (2011)



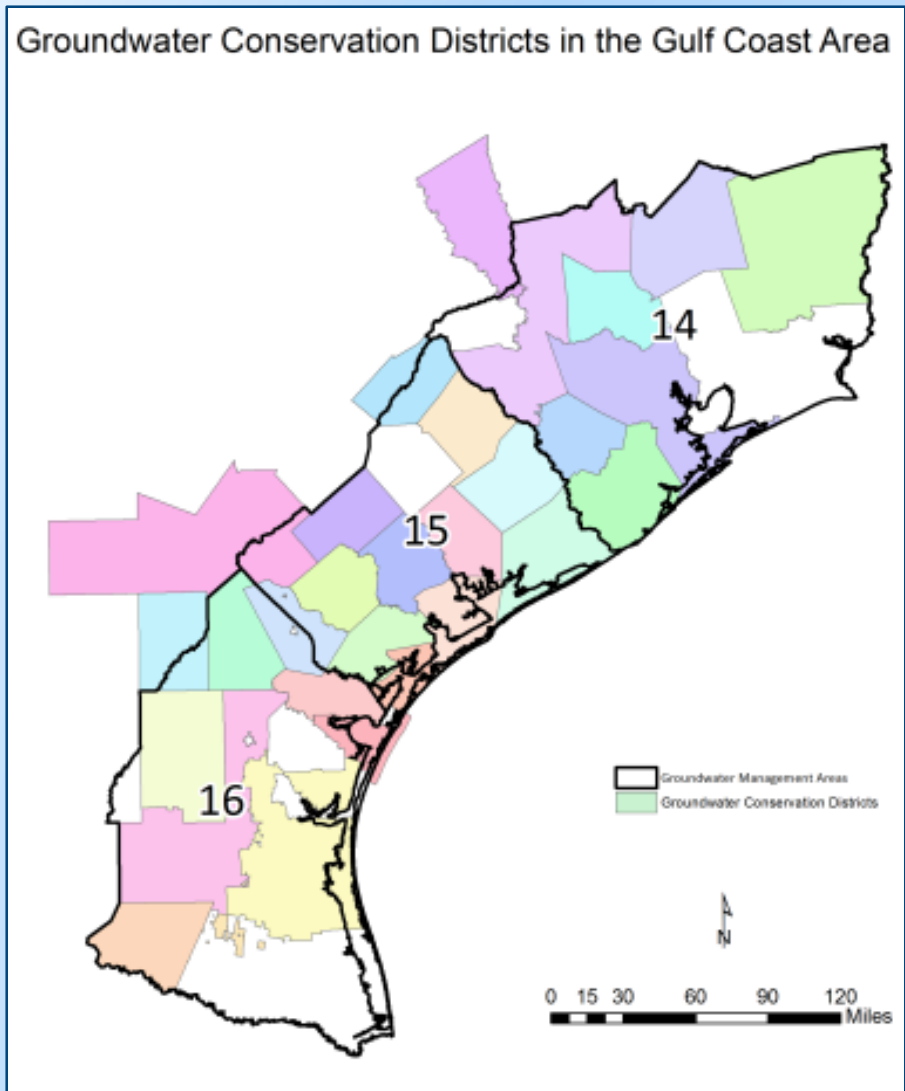
Baker Institute, Rice Univ. (2016)



Bush School, Texas A&M (2016)

"Development of brackish groundwater, if carried out responsibly, can augment supplies and relieve growing stress on freshwater resources."

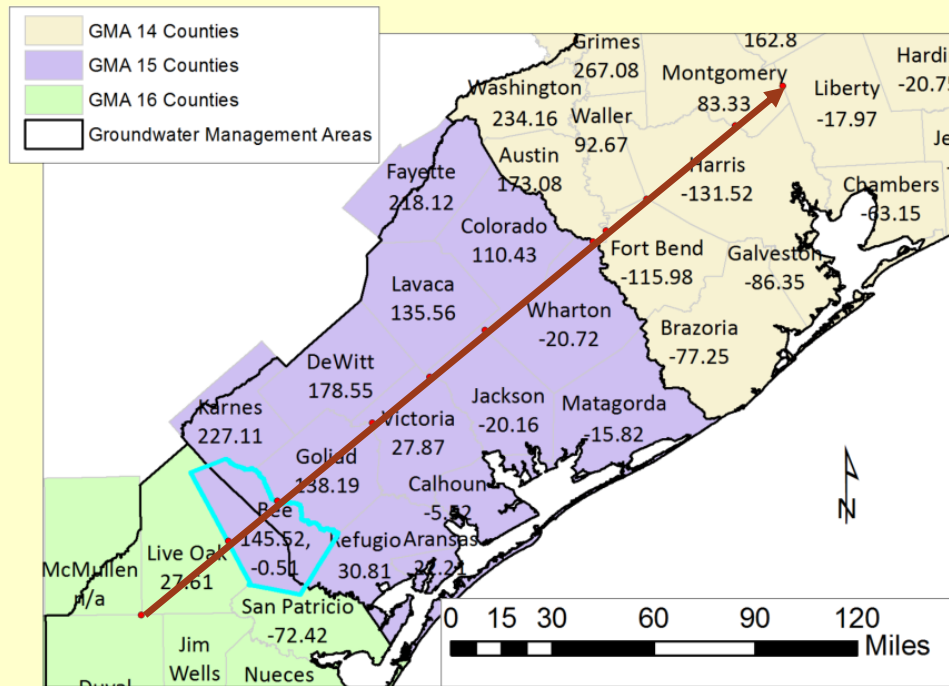
-Baker Institute Issue Brief



"It takes no great level of scientific understanding of hydrology to see that using organizations with political boundaries to ensure the longevity of a regional natural resource will result in inefficiencies."

-Bush School Final Report

DFCs Average Head in 2060 (Evangeline aquifer)

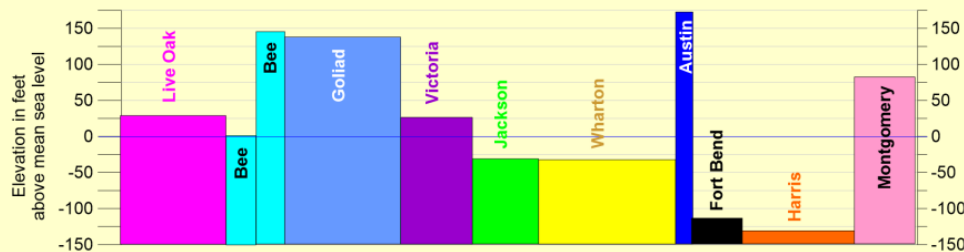


"It is important that stakeholders and others are aware of uncertainties in GAM data and calibration and do not try to use the GAMs beyond the level at which the data can support them."

-BEG Final Report

"Acquiring better knowledge and understanding of hydrogeological resources will allow policymakers to make better decisions about how to manage brackish groundwater resources and protect aquifers, both brackish and fresh."

-Bush School Final Report



Current Practices Discourage Brackish Groundwater Development

- Use-based “management” that controls projects
- Encourages litigation to resolve conflicts among users and management
- Inefficient patchwork management of aquifer discourages brackish groundwater development
- Uncertain permitting timeline
- Often infringes on owners’ right to access fair share of brackish groundwater

TexasDesal Offer the Following Principles Be Incorporated into Consensus Legislation

- Restore private property rights to sustainably access brackish groundwater resources
- Provide landowners their fair share of brackish groundwater
- Implement aquifer-based management

Regulatory Modifications are Needed to Encourage Use of Brackish Groundwater

- Legislative definition of “fair share” based on Texas Supreme Court Rulings
- Each aquifer would be a Groundwater Management Area (GMA)
- Brackish groundwater solely managed by aquifer condition
 - Eliminates need for Modeled Available Groundwater
- GMAs to define aquifer-wide and subdivision conditions
 - GCDs to implement levels
- Prohibit permits for brackish groundwater export

Benefits of Aquifer-Based Management on Brackish Groundwater

- Lower risk of impacting surface water, livestock wells, and other shallow wells than equivalent freshwater projects
- Enable prudent development of brackish groundwater
- Increase certainty of implementing a brackish groundwater project
- Recognize property owners' fair share of brackish groundwater

Change is Scary!

