



Stakeholder input on procedural rules for House Bill 722 related to brackish groundwater production zones

In 2019, the 86th Texas Legislature passed House Bill 722 (HB 722) that created a framework for groundwater conservation districts (GCDs) to establish permitting rules for a person interested in producing brackish groundwater from the Texas Water Development Board's (TWDB) designated brackish groundwater production zones for a municipal drinking water or electric generation project.

HB 722 directed the TWDB to conduct technical reviews of operating permit applications submitted to GCDs and, when requested by a GCD, investigate the impacts of brackish groundwater production as described in the annual reports of the permitted production. HB 722 does not apply to a district that (1) overlies the Dockum Aquifer and (2) includes wholly or partly 10 or more counties, such as the High Plains Underground Water Conservation District No. 1.

To implement the directive, the Board approved the publication of proposed amendments to 31 Texas Administrative Code (TAC), Chapter 356, at the August 5, 2020, Board meeting. The proposed rulemaking will

- define two new terms that will be used in the new subchapter: "brackish groundwater production zone operating permit" and "designated brackish groundwater production zone" in Section 356.10;
- clarify how the agency identifies and designates local or regional brackish groundwater production zones in areas of the state that meet specific criteria and the information required to be provided for each zone in Section 356.70;
- outline how the agency will conduct an assessment and technical review of brackish groundwater production zone operating permit applications, upon request by a GCD, in Section 356.71; and
- outline how the agency will investigate and conduct a technical review of annual reports, upon request by a GCD.

On August 21, 2020, the [proposed rules](#) were posted to the Texas Register with a 30-day comment period that ends on **September 21 at 5:00 p.m.** The TWDB will review and respond to submitted comments and subsequently request at a future Board meeting approval of the adoption of the rules with any recommended revisions.

Stakeholder participation is important, and everyone interested is encouraged to provide comments. Written comments on the proposed rulemaking may be submitted by

- mail to Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231;
- email to rulescomments@twdb.texas.gov; or
- fax to (512) 475-2053.

Please include Chapter 356 in the subject line of any comments submitted. If you have any questions or need more information, please contact Erika Mancha:

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