


# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** October 3, 2025

**Thru:** Laurie Gharis, Chief Clerk  
Kelly Keel, Executive Director

**From:** Beth Seaton, Director   
Office of Waste

**Docket No.:** 2025-1199-RUL

**Subject:** Commission Approval for Proposed Rulemaking  
Chapter 331, Underground Injection Control  
SB 616 and SB 1061: Injection Through the Edwards Aquifer for Aquifer Storage  
and Recovery and Class III Production Area Authorization Amendment  
Rule Project No. 2025-033-331-WS

### Background and reason(s) for the rulemaking:

This rulemaking proposal implements Senate Bill (SB) 616 and SB 1061, 89th Texas Legislature, Regular Session, 2025, relating to certain injection wells transecting the Edwards Aquifer used for aquifer storage and recovery (ASR) projects and Class III Production Area Authorizations (PAAs). SB 616 provides additional exceptions to prohibitions on drilling into or through the Edwards Aquifer. SB 1061 provides that amendments to Class III PAAs are to be uncontested matters if certain criteria are met and requires the commission to prioritize the conservation of groundwater resources when considering an application to amend a restoration table value. Because the SB 1061 revisions to Texas Water Code (TWC), §27.0513(d) now include amendment applications for PAAs and all of the applicability provisions applying under paragraphs (d)(1)-(4), all applications for PAAs would be uncontested matters and not subject to an opportunity for contested case hearing if certain criteria are met. Applications for PAAs are still subject to public notice requirements and the opportunity to submit public comments.

### Scope of the rulemaking:

The rulemaking implements SB 616 by amending the commission's underground injection control rules to allow for authorization of an ASR injection well that transects the Edwards Aquifer as long as the geologic formation used for injection underlies the Edwards Aquifer and the injection well would be in either the area of Williamson County east of Interstate Highway 35 or in Medina County. The rulemaking also implements SB 1061 by amending the commission's underground injection control rules to allow for an amendment to an in-situ uranium mining PAA to be an uncontested matter if certain conditions are met and to require the commission to prioritize the conservation of regional groundwater water supplies when reviewing an application to amend a restoration table value.

### A.) Summary of what the rulemaking would do:

The rulemaking would amend 30 Texas Administrative Code (TAC) §331.19 to add new subparagraph (a)(5), which would allow for wells that transect the Edwards Aquifer and that inject water into a geologic formation that underlies the Edwards Aquifer as part of an ASR project in the area of Williamson County east of Interstate Highway 35 or in Medina County. The proposed rulemaking would also amend 30 TAC §331.107 subparagraph (g)(1) to include prioritization of conservation of regional water supplies when considering an application to amend a restoration table value or range table. The proposal amends 30 TAC §331.108 subparagraphs (a)(1) - (4) to include conditions for which amendment to a PAA is not subject to an opportunity for a contested case hearing; 30 TAC §331.108 subparagraph (b) to clarify that a restoration table may not be amended to exceed a respective value of the permit range table; and removal of 30 TAC §331.108 subparagraph (c). Applications for PAAs are still subject to public notice requirements and the opportunity to submit public comments.

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**B.) Scope required by federal regulations or state statutes:**

The rulemaking is not required by federal regulations. The rulemaking implements state statutes in TWC as established by SB 616 and SB 1061.

**C.) Additional staff recommendations that are not required by federal rule or state statute:**

None.

**Statutory authority:**

TWC, §5.103, which provides the commission the authority to adopt any rules necessary to carry out its powers and duties under the TWC and other laws of this state; TWC, §5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; TWC, §5.120, which authorizes the commission to administer the law so as to promote the judicious use and maximum conservation and protection of the environment and natural resources of the state; and TWC, §27.019, which requires the commission to adopt rules reasonably required for the regulation of injection wells. The proposed rules implement SB 616 and SB 1061 and TWC, §27.051 and §27.0513, which authorize ASR projects that transect the Edwards Aquifer in certain locations and amends the conditions for when an application for a PAA is uncontested.

**Effect on the:**

**A.) Regulated community:**

Owners and operators may pursue authorization of ASR projects that transect the Edwards Aquifer if those projects are in the area of Williamson County east of Interstate Highway 35 or in Medina County.

Companies conducting in-situ mining using Class III injection wells will not be subject to contested case hearings when applying for an amended PAA within an existing area permit, provided specific conditions are met.

**B.) Public:**

The public could benefit from additional ASR projects, which would provide an alternative water source for public water systems and could benefit from increased water availability during periods of drought.

The public would have fewer opportunities to contest PAA applications for the use of Class III injection wells in mining operations.

**C.) Agency programs:**

The Underground Injection Control Program would authorize by rule, or by permit, ASR projects that transect the Edwards Aquifer if those projects are in the area of Williamson County east of Interstate Highway 35 or in Medina County.

There would be fewer contested case hearings requiring agency participation for PAA applications provided certain specific conditions are met.

**Stakeholder meetings:**

The commission did not hold any stakeholder meetings related to this rulemaking; however, a rule public hearing will be held in-person and virtually during the public comment period.

**Public Involvement Plan**

A public involvement plan is required.

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**Alternative Language Requirements**

Yes. Spanish.

**Potential controversial concerns and legislative interest:**

There is legislative interest regarding the implementation of SB 616. Implementation of SB 1061 could be controversial, as it would remove the opportunity for contested case hearing for Class III PAA amendment applications if certain criteria are met.

**Would this rulemaking affect any current policies or require development of new policies?**

No.

**What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?**

SB 616 directs TCEQ to adopt rules relating to ASR projects that transect a portion of the Edwards Aquifer by no later than March 1, 2026. SB 1061 does not direct TCEQ to adopt rules; however, SB 1061 amends when an application for a PAA is subject to an opportunity for a contested case hearing. This rulemaking complies with those directives and there are no alternatives to rulemaking.

**Key points in the proposal rulemaking schedule:**

**Anticipated proposal date:** October 22, 2025

**Anticipated *Texas Register* publication date:** November 7, 2025

**Anticipated public hearing date:** December 8, 2025

**Anticipated public comment period:** November 7, 2025 – December 10, 2025

**Anticipated adoption date:** February 25, 2026

**Agency contacts:**

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**Attachments:**

SB 616

SB 1061

cc: Chief Clerk, 2 copies  
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