

Regular Session, 2014

HOUSE BILL NO. 1120

BY REPRESENTATIVE JAMES

WATER/RESOURCES: Determines that the Southern Hills Aquifer System is an area of groundwater concern and a critical area of groundwater concern and provides for limitations on groundwater removal from such aquifer system

1 AN ACT

2 To amend and reenact R.S. 38:3073(11) and to enact R.S. 38:3076(A)(25) and 3097.9,  
3 relative to groundwater resources management; to declare the Southern Hills aquifer  
4 to be an area of groundwater concern and a critical area of groundwater concern; to  
5 implement groundwater withdrawal limitations from the Southern Hills Aquifer  
6 System; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:3073(11) is hereby amended and reenacted and R.S.  
9 38:3076(A)(25) and 3097.9 are hereby enacted to read as follows:

10 §3073. Definitions

11 Unless the context otherwise requires, the following terms shall have the  
12 following meanings for purposes of this Part:

13 \* \* \*

14 (11) "Just and equitable share" of the groundwater underlying a tract within  
15 an area subject to an order limiting pumping rates means that portion of the  
16 recoverable groundwater within an aquifer which is to be apportioned to such tract  
17 on the basis of demonstrable geologic and hydrologic data taking into consideration  
18 the volume of groundwater in storage, the maximum perennial recharge potential,

1 and any groundwater use priorities established by the board. The "just and equitable  
2 share" shall be subject to the limitations set forth in R.S. 38:3097.9.

3 \* \* \*

4 §3076. Powers of the board

5 A. The board shall work with the commissioner of conservation in his  
6 responsibilities to do all things necessary to prevent waste of groundwater resources,  
7 and to prevent or alleviate damaging or potentially damaging subsidence of the land  
8 surface caused by withdrawal of groundwater within the district. In conjunction with  
9 the commissioner of conservation, the board shall have authority to do, as required,  
10 the following:

11 \* \* \*

12 (25) To take all necessary steps to prevent waste of groundwater in the  
13 district by enforcing the withdrawal limitations provided in R.S. 38:3097.9, including  
14 but not limited to issuing orders to prohibit the use and withdrawal of groundwater  
15 by a facility that draws such groundwater from the Southern Hills Aquifer System.

16 \* \* \*

17 §3097.9. Southern Hills Aquifer system; area of groundwater concern  
18 determination; "critical area of groundwater concern" determination

19 A. Article IX, Section 1 of the Constitution of Louisiana mandates that the  
20 legislature enact laws to protect, conserve, and replenish the natural resources of the  
21 state, including the state's drinking water. The legislature hereby acknowledges as  
22 a finding of fact that saltwater intrusion is of serious concern to the integrity of the  
23 state's aquifers, and hereby takes specific notice that the commissioner of  
24 conservation has concluded saltwater encroachment currently threatens the Southern  
25 Hills Aquifer System, where saltwater is moving toward the pumping station that  
26 provides the area's drinking water at a rate that threatens to compromise long-term  
27 sustainability of the aquifer system in the Baton Rouge area. Therefore, the  
28 legislature does hereby determine that the Southern Hills Aquifer System is an "area  
29 of groundwater concern" as defined by R.S. 38:3097.2(1) and a critical "area of

1 groundwater concern" as provided in R.S. 38:3097.2(1). The legislature further finds  
2 that continued uncontrolled mining of the aquifer is not advisable due to saltwater  
3 intrusion and that such mining cannot continue indefinitely without causing  
4 unacceptable environmental, economic, social, or health consequences. Based on  
5 these findings, the legislature finds that, in order to ensure an adequate supply of  
6 drinking water, there is a need to protect the groundwater of the state in aquifers that  
7 serve the significant populations so that such aquifers can be conserved and  
8 replenished for present and future generations.

9 B. For purposes of this Section, the following words and terms shall have the  
10 following meanings:

11 (1) "Facility" shall mean any public or private property or site and all  
12 contiguous land and structures, other appurtenances and improvements thereon,  
13 where an activity involving the use of groundwater from the Southern Hills Aquifer  
14 System is conducted, and all the contiguous property under the control of the owner  
15 or operator of such facility is located within the jurisdiction of a groundwater  
16 conservation district that contains within its boundaries one or more parishes or  
17 municipalities with a population of two hundred fifty thousand or more persons who  
18 are dependent upon the aquifer for their drinking water.

19 (2) "Average daily water use rate" shall be a calculation of the average of a  
20 facility's daily water use, based on records from the office of conservation, between  
21 January 1, 2002, or the day the facility commenced operation, whichever is more  
22 recent, and January 1, 2012.

23 C. The commissioner shall limit the use and withdrawal of groundwater in  
24 the Southern Hills Aquifer System as follows:

25 (1) Each new facility established after August 1, 2014, shall be limited to  
26 five hundred thousand gallons of groundwater per day taken from the Southern Hills  
27 Aquifer System.

1           (2) On or before August 1, 2020, each facility that uses groundwater from  
2           the Southern Hills Aquifer System shall be limited to five hundred thousand gallons  
3           of groundwater per day.

4           (3) The commissioner of conservation shall further reduce the water usage  
5           from the Southern Hills Aquifer System by any facility located within one mile of  
6           the Mississippi River based on the following schedule:

7           (a) Beginning on August 1, 2015, the facility shall be limited to eighty  
8           percent of the facility's average daily water use rate.

9           (b) Beginning on August 1, 2016, the facility shall be limited to sixty percent  
10          of the facility's average daily water use rate.

11          (c) Beginning on August 1, 2017, the facility shall be limited to forty percent  
12          of the facility's average daily water use rate.

13          (d) Beginning on August 1, 2018, the facility shall be limited to twenty  
14          percent of the facility's average daily water use rate.

15          (e) Beginning on August 1, 2019, the facility shall be limited to twelve  
16          percent of the facility's average daily water use rate.

17          D. The provisions of this Section shall not apply to agricultural, residential,  
18          domestic, or municipal uses of groundwater from the Southern Hills Aquifer System.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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James

HB No. 1120

**Abstract:** Determines that the Southern Hills Aquifer System is an area of groundwater concern and a critical area of groundwater concern and implements limitations on withdrawals of groundwater from that aquifer system.

Proposed law determines that the Southern Hills Aquifer System is an area of groundwater concern and a critical area of groundwater concern. Defines terms.

Requires the commissioner of conservation to limit the use and withdrawal of groundwater in the Southern Hills Aquifer System as follows:

- (1) Each new facility established after Aug. 1, 2014, shall be limited to 500,000 gallons of groundwater per day.

- (2) On or before Aug. 1, 2020, each facility that uses groundwater from the Southern Hills Aquifer System shall be limited to 500,000 gallons of groundwater per day.

Further requires the commission to reduce the water usage from the Southern Hills Aquifer System by any facility located within one mile of the Mississippi River as follows:

- (1) Beginning on Aug. 1, 2015, the facility shall be limited to 80% of the facility's average daily water use rate.
- (2) Beginning on Aug. 1, 2016, the facility shall be limited to 60% of the facility's average daily water use rate.
- (3) Beginning on Aug. 1, 2017, the facility shall be limited to 40% of the facility's average daily water use rate.
- (4) Beginning on Aug. 1, 2018, the facility shall be limited to 20% of the facility's average daily water use rate.
- (5) Beginning on Aug. 1, 2019, the facility shall be limited to 12% of the facility's average daily water use rate.

Present law creates the Capital Area Groundwater Conservation District consisting of the parishes of E. Baton Rouge, E. Feliciana, Pointe Coupee, W. Baton Rouge, and W. Feliciana and provides for the powers, duties, functions, and responsibilities of the commission. Proposed law provides for the commission to take steps to prevent waste of groundwater in the district by enforcing the withdrawal limitations provided in proposed law.

Present law provides for apportioning groundwater from an aquifer on the basis of a "just and equitable share" based on the demonstrable geologic and hydrologic data taking into consideration the volume of groundwater in storage, the maximum perennial recharge potential, and any groundwater use priorities established by the board. Proposed law subjects the "just and equitable share" to the limitations set forth in proposed law.

(Amends R.S. 38:3073(11); Adds R.S. 38:3076(A)(25) and 3097.9)