

By: Zwiener

H.B. No. 2941

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the Railroad Commission of Texas to
3 require water pollution abatement plans for certain pipelines;
4 providing for the imposition of a civil penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 26, Water Code, is amended
7 by adding Section 26.136 to read as follows:

8 Sec. 26.136. EDWARDS AQUIFER PROTECTION PLANS FOR OIL OR
9 GAS PIPELINES. (a) In this section:

10 (1) "Edwards Aquifer" has the meaning assigned by
11 Section 26.046.

12 (2) "Water pollution abatement plan" means a plan that
13 outlines best management practices that will be implemented to
14 protect water quality when a construction-related or
15 post-construction activity in the recharge zone of the Edwards
16 Aquifer has the potential for polluting the aquifer and
17 hydrologically connected surface streams.

18 (b) Notwithstanding any other provision of this chapter or
19 the Natural Resources Code, the Railroad Commission of Texas shall
20 require the owner or operator of an oil or gas pipeline that is
21 subject to the jurisdiction of the Railroad Commission of Texas and
22 constructed or expanded in the recharge zone of the Edwards Aquifer
23 to submit to the Railroad Commission of Texas a water pollution
24 abatement plan for the pipeline.

1 (c) The Railroad Commission of Texas, in consultation with
2 the Texas Commission on Environmental Quality, by rule shall adopt
3 construction or operational temporary best management practices
4 for water pollution abatement plans described by Subsection (b).
5 The rules may incorporate construction best management practices
6 adopted for protection of the Edwards Aquifer recharge zone by the
7 Texas Commission on Environmental Quality.

8 (d) The Texas Commission on Environmental Quality and the
9 Railroad Commission of Texas shall:

10 (1) develop a process for joint consultation on water
11 pollution abatement in the Edwards Aquifer recharge zone by owners
12 or operators of pipelines described by Subsection (b); and

13 (2) by rule enter into a memorandum of understanding
14 on the implementation of the process.

15 SECTION 2. Section 40.008, Natural Resources Code, is
16 amended to read as follows:

17 Sec. 40.008. RAILROAD COMMISSION AUTHORITY. The Railroad
18 Commission of Texas shall continue to exercise its authority
19 pursuant to Section 91.101 of this code and Sections [~~Section~~
20 26.131 and 26.136, Water Code, to issue and enforce rules, permits,
21 and orders to prevent pollution of surface and subsurface waters in
22 the state by activities associated with the exploration,
23 development, or production of oil, gas, or geothermal resources,
24 including the transportation of oil or gas by pipeline. Nothing in
25 this chapter preempts the jurisdiction of the Railroad Commission
26 of Texas under Subchapter E, Chapter 121, Utilities Code, and
27 Chapter 117, Natural Resources Code, over pipeline transportation

1 of gas and hazardous liquids and over gas and hazardous liquid
2 pipeline facilities.

3 SECTION 3. Section 91.003(a), Natural Resources Code, is
4 amended to read as follows:

5 (a) In addition to other authority specifically granted to
6 the commission under this chapter, the commission may enforce this
7 chapter and Section 26.136, Water Code, or any rule, order, or
8 permit of the commission adopted under this chapter or Section
9 26.136, Water Code, in the manner and subject to the conditions
10 provided in Chapters 81 and 85 of this code, including the authority
11 to seek and obtain civil penalties and injunctive relief as
12 provided by those chapters.

13 SECTION 4. The changes in law made by this Act apply only to
14 a pipeline the construction or expansion of which begins on or after
15 the effective date of this Act. A pipeline for which construction or
16 expansion began before the effective date of this Act is governed by
17 the law as it existed immediately before the effective date of this
18 Act, and the former law is continued in effect for that purpose.

19 SECTION 5. This Act takes effect September 1, 2024.