

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 creating a criminal offense; providing for the imposition of a
5 civil penalty.

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

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

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

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

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

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

1 abatement plan for the pipeline.

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

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

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

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

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

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

1 Chapter 117, Natural Resources Code, over pipeline transportation
2 of gas and hazardous liquids and over gas and hazardous liquid
3 pipeline facilities.

4 SECTION 3. Section 91.002(a), Natural Resources Code, is
5 amended to read as follows:

6 (a) A person who wilfully or with criminal negligence
7 violates Section 91.101 of this code or Section 26.136, Water Code,
8 or a rule, order, or permit of the commission issued under either of
9 those sections [~~that section~~] commits an offense.

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

12 (a) In addition to other authority specifically granted to
13 the commission under this chapter, the commission may enforce this
14 chapter and Section 26.136, Water Code, or any rule, order, or
15 permit of the commission adopted under this chapter or Section
16 26.136, Water Code, in the manner and subject to the conditions
17 provided in Chapters 81 and 85 of this code, including the authority
18 to seek and obtain civil penalties and injunctive relief as
19 provided by those chapters.

20 SECTION 5. The changes in law made by this Act apply only to
21 a pipeline the construction or expansion of which begins on or after
22 the effective date of this Act. A pipeline for which construction or
23 expansion began before the effective date of this Act is governed by
24 the law as it existed immediately before the effective date of this
25 Act, and the former law is continued in effect for that purpose.

26 SECTION 6. This Act takes effect September 1, 2023.