

AN ACT

relating to the regulation by the Railroad Commission of Texas of brine mining.

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

SECTION 1. Section 27.036, Water Code, as added by Chapter 921 (H.B. 1867), Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 27.036. JURISDICTION OVER BRINE MINING. (a) In this section:

(1) "Brine mining" means the production of brine, including naturally occurring brine and brine extracted by the solution of a subsurface salt formation, for the purpose of extracting from a subsurface formation elements, salts, or other useful substances, not including:

(A) oil, gas, or any product of oil or gas as defined by Section 85.001, Natural Resources Code; or

(B) fluid oil and gas waste, as defined by Section 122.001, Natural Resources Code.

(2) "Class V brine injection well" means a well that injects spent, naturally occurring brine produced by a brine mining operation into the same formation from which it was withdrawn after extraction of elements, salts, or other useful substances, including halogens or halogen salts.

(b) The railroad commission has jurisdiction over brine

1 mining and may issue permits for brine production wells and
2 injection wells used for brine mining.

3 (c) [~~(b)~~] A person may not begin to drill an injection well
4 to be used for brine mining unless that person has a valid permit
5 for the well issued by the railroad commission under this chapter.

6 (d) [~~(c)~~] The railroad commission shall adopt rules that
7 are necessary to administer and regulate brine mining.

8 (e) [~~(d)~~] For purposes of regulation by the railroad
9 commission, an injection well for brine mining of brine extracted
10 by the solution of a subsurface salt formation is designated as a
11 Class III well under the underground injection control program
12 administered by the railroad commission.

13 (f) For purposes of regulation by the railroad commission, a
14 Class V brine injection well is designated as a Class V well under
15 the underground injection control program administered by the
16 railroad commission.

17 (g) If rules or regulations adopted to govern Class V brine
18 injection wells under the federal Safe Drinking Water Act (42
19 U.S.C. Section 300f et seq.) or another federal statute allow this
20 state to seek primary enforcement authority under the underground
21 injection control program, the railroad commission shall seek
22 primacy to administer and enforce the program for Class V brine
23 injection wells in this state.

24 (h) On delegation to the railroad commission of primary
25 enforcement authority in this state over Class V brine injection
26 wells, a person may not begin to drill a Class V brine injection
27 well unless that person has a valid permit for the well issued by

1 the railroad commission under this chapter.

2 ~~[(e) This section takes effect September 1, 1985.]~~

3 ~~[(f) This section does not invalidate any permit for an~~
4 ~~injection well used for brine mining that was issued by the Texas~~
5 ~~Water Commission before the effective date of this section. Within~~
6 ~~90 days after the effective date of this section, the Railroad~~
7 ~~Commission of Texas shall issue a substitute permit under the name~~
8 ~~and authority of the railroad commission to each person who on the~~
9 ~~effective date of this section holds a valid permit issued by the~~
10 ~~Texas Water Commission for an injection well used for brine mining.~~

11 ~~[(g) Application for injection well permits covering brine~~
12 ~~mining submitted to the Texas Water Commission before the effective~~
13 ~~date of this section for which permits have not been issued by the~~
14 ~~commission shall be transmitted to the railroad commission.]~~

15 SECTION 2. Section [27.036](#), Water Code, as added by Chapter
16 795 (S.B. 249), Acts of the 69th Legislature, Regular Session,
17 1985, is repealed.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section [39](#), Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1186 passed the Senate on April 20, 2023, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 1186 passed the House on May 12, 2023, by the following vote: Yeas 136, Nays 4, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor