

BILL ANALYSIS

C.S.H.B. 179
By: Creighton
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Commission on Environmental Quality ("TCEQ") has authority over the Underground Injection Control program, which oversees the disposal of certain wastewater into the ground via deep injection wells. The TCEQ has rules governing the wells themselves, but no guidelines for the surface facilities that receive and store the waste prior to injection.

C.S.H.B. 179 requires the TCEQ to adopt rules governing the surface facility portion of underground injection facilities to ensure safety at all stages of the disposal process.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTIONS 1 and 2 of this bill.

ANALYSIS

SECTION 1. Subsection (a) Requires that the TCEQ must adopt rules regulating the surface facilities associated with new commercial wells that propose to accept nonhazardous industrial waste.

Subsection (a) (1) Defines "Commercial well" as a Class I injection well, as defined by TCEQ rule, that a person may use to dispose of nonhazardous industrial solid wastes for a charge. The bill establishes that the term does not include an injection well that is part of an integrated waste management unit of a captured facility or an injection well at which only waste from facilities owned or effectively controlled by the same person is disposed.

Subsection (a) (2) Defines "Captured facility" to mean a manufacturing or production facility that generates an industrial solid waste or hazardous waste that is routinely stored, processed, or disposed of on a shared basis in an integrated waste management unit owned by, operated by, and located within a contiguous manufacturing complex.

Subsection (b) Provides that the rules adopted under this section may not apply to a permit application for an injection well used solely for the injection of carbon dioxide or for which the surface facilities are associated with a well for which a permit is issued before the effective date of this Act.

SECTION 2. Subsection (a) Requires that the TCEQ must suspend the permitting process for any pending permit applications for a new commercial well that proposes to accept nonhazardous industrial waste, and to which Section 1 of this Act applies, until the rules adopted by TCEQ under the provisions of this bill take effect.

Subsection (b) Requires that the TCEQ must apply the rules adopted under Section 1 of this Act to every new, filed on or after the effective date of this Act, and pending permit application for a new commercial well that proposes to accept nonhazardous industrial waste, and to which Section 1 of this Act applies.

Subsection (c) Allows the TCEQ to let applicants with pending permit applications to amend their application to conform to the rules adopted under Section 1 of this Act.

SECTION 3. Provides the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. Subsection (a) Differs from the original by requiring the TCEQ to adopt rules regulating the surface facilities associated with new commercial wells that propose to accept nonhazardous industrial waste for which a permit has not been issued on or before the effective date of the bill, rather than rules governing all aspects of the management and operation of a new commercial underground injection control well, including the regulation of surface facilities associated with the well, that proposes to accept industrial or municipal waste for which a permit has not been issued on or before the effective date. The substitute makes conforming changes to accommodate the changes in the rulemaking provisions.

Subsection (a) (1) Adds the definition, not in the original, for "Commercial well."

Subsection (a) (2) Adds the definition, not in the original, for "Captured facility."

Subsection (b) Adds language prohibiting the rules adopted under the bill's provisions from applying to an application for a permit for an injection well used solely for the injection of carbon dioxide or for which the surface facilities are associated with a well for which a permit is issued before the effective date of the bill.