

BILL ANALYSIS

S.B. 275
By: Nichols
Natural Resources
Committee Report (Unamended)

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. TCEQ has rules governing the wells, but not for the surface facilities that receive and store the waste prior to injection.

S.B. 275 amends current law relating to the application of new requirements for commercial underground injection control wells to be adopted by the TCEQ.

RULEMAKING AUTHORITY

It is the Committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Subsection (a) Requires the Texas Commission on Environmental Quality ("TCEQ"), as soon as practicable after the effective date of this Act, 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 this Act.

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. Requires TCEQ to provide that the rules adopted under Section 1 of this Act apply to every application for a permit for a new commercial underground injection control well that proposes to accept industrial or municipal waste that is filed on or after the effective date 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.