

By: Creighton, Eissler

H.B. No. 179

Substitute the following for H.B. No. 179:

By: Miller of Comal

C.S.H.B. No. 179

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of new requirements for commercial
3 underground injection control wells to be adopted by the Texas
4 Commission on Environmental Quality.

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

6 SECTION 1. (a) As soon as practicable after the effective
7 date of this Act, the Texas Commission on Environmental Quality
8 shall adopt rules regulating the surface facilities associated with
9 new commercial wells that propose to accept nonhazardous industrial
10 waste for which a permit has not been issued on or before the
11 effective date of this Act. In this section:

12 (1) "Commercial well" means a Class I injection well,
13 as defined by commission rule, that a person may use to dispose of
14 nonhazardous industrial solid wastes for a charge. The term does
15 not include:

16 (A) an injection well that is part of an
17 integrated waste management unit of a captured facility; or

18 (B) an injection well at which only waste from
19 facilities owned or effectively controlled by the same person is
20 disposed.

21 (2) "Captured facility" means a manufacturing or
22 production facility that generates an industrial solid waste or
23 hazardous waste that is routinely stored, processed, or disposed of
24 on a shared basis in an integrated waste management unit owned by,

1 operated by, and located within a contiguous manufacturing complex.

2 (b) The rules adopted under Subsection (a) of this section
3 may not apply to an application for a permit for an injection well:

4 (1) used solely for the injection of carbon dioxide;
5 or

6 (2) for which the surface facilities are associated
7 with a well for which a permit is issued before the effective date
8 of this Act.

9 SECTION 2. (a) The Texas Commission on Environmental
10 Quality shall suspend the permitting process for any pending
11 application for a permit for a new commercial well that proposes to
12 accept nonhazardous industrial waste and to which Section 1 of this
13 Act applies until the rules adopted under that section take effect.

14 (b) The Texas Commission on Environmental Quality shall
15 provide that the rules adopted under Section 1 of this Act apply to
16 every application for a permit for a new commercial well that
17 proposes to accept nonhazardous industrial waste and to which
18 Section 1 of this Act applies that is filed on or after the
19 effective date of this Act and every application for a permit for a
20 new commercial well that proposes to accept nonhazardous industrial
21 waste and to which Section 1 of this Act applies that is pending on
22 the effective date of this Act.

23 (c) The Texas Commission on Environmental Quality may allow
24 an applicant who filed such an application that is pending on the
25 effective date of this Act to amend the application to conform to
26 the rules adopted under Section 1 of this Act.

27 SECTION 3. This Act takes effect immediately if it receives

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