By: Miller of Erath H.B. No. 569

A BILL TO BE ENTITLED

1	AN ACT
2	relating to notice of an application for a permit to dispose of oil
3	and gas waste in a commercial disposal well; creating an offense.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Section 27.034, Water Code, is amended by adding
6	Subsections $(a-1)$, $(a-2)$, and $(a-3)$ to read as follows:
7	(a-1) In connection with an application for a permit to
8	dispose of oil and gas waste in a commercial disposal well, as
9	defined by the railroad commission, the rules adopted under
10	Subsection (a) must, at a minimum:
11	(1) require the applicant to give notice of the
12	application to:
13	(A) each owner of record of each surface tract
14	that adjoins the tract on which the well is proposed to be located;
15	(B) the commissioners court of the county in
16	which the well is proposed to be located; and
17	(C) any groundwater conservation district in
18	which the well is proposed to be located;
19	(2) require each owner of record of a surface tract who
20	receives notice of the application under Subdivision (1)(A) to give
21	notice of the application to each surface lessee or purchaser under
22	a contract for deed, executory contract, or other executory
23	conveyance of the tract who occupies a residence located on the
24	<pre>tract;</pre>

- 1 (3) require the applicant to publish notice of the
- 2 application in:
- 3 (A) a newspaper of general circulation in the
- 4 county in which the well is proposed to be located; and
- 5 (B) the newspaper that is published in closest
- 6 proximity to the proposed site of the well; and
- 7 (4) provide each person who receives notice of the
- 8 application under Subdivision (1) an opportunity to request a
- 9 public hearing on the application.
- 10 (a-2) The failure of a person who receives notice of an
- 11 application under Subsection (a-1)(1)(A) to give notice of the
- 12 application to any person to whom the person is required to give
- 13 notice under Subsection (a-1)(2) does not invalidate any permit
- 14 issued by the railroad commission.
- 15 (a-3) The commission is not required to hold more than one
- 16 public hearing on an application regardless of the number of
- 17 persons who request a hearing.
- 18 SECTION 2. Section 27.105(a), Water Code, is amended to
- 19 read as follows:
- 20 (a) A person who knowingly or intentionally violates a
- 21 provision of this chapter under the jurisdiction of the railroad
- 22 commission, a rule of the railroad commission other than a rule
- 23 <u>adopted under Section 27.034(a-1)(2)</u>, or a term, condition, or
- 24 provision of a permit issued by the railroad commission under this
- 25 chapter is subject to a fine of not more than \$5,000 for each
- 26 violation and for each day of violation. A violation under the
- jurisdiction of the commission is enforceable under Section 7.157.

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1 SECTION 3. This Act takes effect September 1, 2009.