

By: Hancock

H.B. No. 2254

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a local government to prohibit the Railroad Commission of Texas or the Texas Commission on Environmental Quality from issuing a permit for a disposal well.

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

SECTION 1. Section 27.033, Water Code, is amended to read as follows:

Sec. 27.033. LETTER FROM EXECUTIVE DIRECTOR. A person making application to the railroad commission for a permit under this chapter shall submit with the application a letter from the executive director stating that:

(1) drilling and using the disposal well and injecting oil and gas waste into the subsurface stratum will not endanger the freshwater strata in that area;

(2) ~~and that~~ the formation or stratum to be used for the disposal is not freshwater sand; and

(3) the commission has not been notified by a local government as defined by Section 26.001 the territory of which overlies the formation or stratum to be used for the disposal that the local government has determined that the formation or stratum is unsuited for that use because of its proximity to a water table.

SECTION 2. Section 27.051, Water Code, is amended by adding Subsection (i) to read as follows:

(i) The commission or railroad commission may not issue a

1 permit for a disposal well if a local government as defined by  
2 Section 26.001 the territory of which overlies the formation or  
3 stratum to be used for the disposal determines that the formation or  
4 stratum is unsuited for that use because of its proximity to a water  
5 table and notifies the commission or railroad commission, as  
6 applicable, of its determination.

7       SECTION 3. The changes in law made by this Act apply to  
8 permit applications pending before the Railroad Commission of Texas  
9 or the Texas Commission on Environmental Quality on or after the  
10 effective date of this Act. A permit issued before the effective  
11 date of this Act is governed by the law in effect when the permit was  
12 issued, and the former law is continued in effect for that purpose.

13       SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.