

By: Christian

H.B. No. 4028

A BILL TO BE ENTITLED

AN ACT

relating to testing requirements for certain commercial injection wells.

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

SECTION 1. Section 27.051(b), Water Code, is amended to read as follows:

(b) The railroad commission may grant an application in whole or part and may issue the permit if it finds:

(1) that the use or installation of the injection well is in the public interest;

(2) that the use or installation of the injection well will not endanger or injure any oil, gas, or other mineral formation;

(3) that, with proper safeguards, both ground and surface fresh water can be adequately protected from pollution;

~~and~~

(4) that the applicant has made a satisfactory showing of financial responsibility if required by Section 27.073 of this code;

(5) that the applicant for a Class II injection well, as defined by the railroad commission, will use on-site monitoring wells to monitor and analyze groundwater quality in accordance with rules adopted by the commission; and

(6) that the applicant for a Class II injection well,

1 as defined by the railroad commission, will conduct shallow soil  
2 tests in accordance with rules adopted by the commission.

3 SECTION 2. Subchapter D, Chapter 27, Water Code, is amended  
4 by adding Section 27.058 to read as follows:

5 Sec. 27.058. REPORTING REQUIREMENTS. The holder of a  
6 permit for an injection well requiring on-site monitoring wells and  
7 soil testing under Sections 27.051(b)(5) and (6) shall submit to  
8 the railroad commission a report of groundwater and soil quality:

9 (1) on a regular schedule as required by railroad  
10 commission rules; and

11 (2) immediately when a change in quality is detected.

12 SECTION 3. As soon as practicable after the effective date  
13 of this Act, the Railroad Commission of Texas shall adopt rules to  
14 implement Sections 27.051(b)(5) and (6) and Section 27.058, Water  
15 Code, as added by this Act.

16 SECTION 4. The changes in law made by this Act apply to  
17 permit applications pending before the Railroad Commission of Texas  
18 on or after the effective date of this Act. A permit issued before  
19 the effective date of this Act is governed by the law in effect when  
20 the permit was issued, and the former law is continued in effect for  
21 that purpose.

22 SECTION 5. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2009.