

By: Nichols

S.B. No. 273

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(a), Water Code, is amended to read as follows:

(a) The 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 no existing rights, including, but not limited to, mineral rights, will be impaired;

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

(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 has provided for the proper operation of the proposed hazardous waste injection well;

(6) that the applicant for a hazardous waste injection well not located in an area of industrial land use has made a reasonable effort to ensure that the burden, if any, imposed by the proposed hazardous waste injection well on local law enforcement, emergency medical or fire-fighting personnel, or public roadways,

1 will be reasonably minimized or mitigated; ~~and~~

2 (7) that the applicant owns or has made a good faith
3 claim to, or has the consent of the owner to utilize, or has an
4 option to acquire, or has the authority to acquire through eminent
5 domain, the property or portions of the property where the
6 hazardous waste injection well will be constructed;

7 (8) that the applicant for an injection well that, for
8 a charge, will dispose of industrial or municipal waste will use
9 on-site monitoring wells to monitor and analyze groundwater quality
10 in accordance with rules adopted by the commission; and

11 (9) that the applicant for an injection well that, for
12 a charge, will dispose of industrial or municipal waste will
13 conduct shallow soil tests in accordance with rules adopted by the
14 commission.

15 SECTION 2. Subchapter D, Chapter 27, Water Code, is amended
16 by adding Section 27.057 to read as follows:

17 Sec. 27.057. REPORTING REQUIREMENTS. The holder of a
18 permit for an injection well requiring on-site monitoring wells and
19 soil testing under Sections 27.051(a)(8) and (9) shall submit to
20 the commission a report of groundwater and soil quality:

21 (1) on a regular schedule as required by commission
22 rules; and

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

24 SECTION 3. As soon as practicable after the effective date
25 of this Act, the Texas Commission on Environmental Quality shall
26 adopt rules to implement Sections 27.051(a)(8) and (9) and Section
27 27.057, Water Code, as added by this Act.

1 SECTION 4. The changes in law made by this Act apply to
2 permit applications pending before the Texas Commission on
3 Environmental Quality on or after the effective date of this Act. A
4 permit issued before the effective date of this Act is governed by
5 the law in effect when the permit was issued, and the former law is
6 continued in effect for that purpose.

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