

By: Davis, Nelson

S.B. No. 752

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a restriction on the formation in which certain
3 commercial disposal wells permitted by the Railroad Commission of
4 Texas may inject oil and gas waste.

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

6 SECTION 1. Subchapter C, Chapter 27, Water Code, is amended
7 by adding Section 27.039 to read as follows:

8 Sec. 27.039. RESTRICTION ON CERTAIN COMMERCIAL DISPOSAL
9 WELLS. (a) This section applies only to a commercial disposal
10 well, as defined by the railroad commission, proposed to be located
11 in a county that:

12 (1) has a population of more than 1.4 million; and
13 (2) is located wholly or partly above a
14 hydrocarbon-producing geological formation in which during 2008
15 the railroad commission issued more than 1,000 drilling permits
16 authorizing gas or other wells to be completed.

17 (b) A permit issued by the railroad commission for a
18 commercial disposal well, as defined by the railroad commission,
19 that authorizes the disposal of oil and gas waste may authorize the
20 disposal of the waste only in the Ellenberger formation or a deeper
21 formation.

22 SECTION 2. The change in law made by this Act applies only
23 to a permit application pending before the Railroad Commission of
24 Texas on or after the effective date of this Act. A permit issued

1 before the effective date of this Act is governed by the law in
2 effect when the permit was issued, and the former law is continued
3 in effect for that purpose.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.