

**House Bill 3827**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 7.156(c), Water Code, is amended to read as follows:

(c) A person commits an offense if the person:

(1) is an owner or operator of an underground storage tank regulated under Chapter 26 into which any regulated substance is delivered unless the underground storage tank has been issued a valid, current underground storage tank registration and certificate of compliance under Section 26.346; or

(2) physically delivers any regulated substance into an underground storage tank regulated under Chapter 26 unless the underground storage tank has been issued a valid, current underground storage tank registration and certificate of compliance under Section 26.346.

SECTION 2. Subchapter F, Chapter 7, Water Code, is amended by adding Section 7.256 to read as follows:

Sec. 7.256. DEFENSE TO DELIVERY OF REGULATED SUBSTANCE INTO UNDERGROUND STORAGE TANK. It is an affirmative defense to prosecution under Section 7.156(c)(2) that the person delivering a regulated substance into an underground storage tank relied on:

(1) a valid paper delivery certificate presented by the owner or operator of the underground storage tank or displayed at the facility associated with the underground storage tank;

(2) a temporary delivery authorization presented by the owner or operator of the underground storage tank or

SENATE VERSION

Same as House version.

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CONFERENCE

**House Bill 3827**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

displayed at the facility associated with the underground storage tank; or  
(3) registration and self-certification information for the underground storage tank obtained from the commission's Internet website not more than 30 days before the date of delivery.

No equivalent provision.

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

SENATE VERSION

SECTION \_\_. Subchapter F, Chapter 7, Water Code, is amended by adding Sec. 16.007 to read as follows:  
Sec. 7.257. DEFENSE TO MANUFACTURE OF REGULATED SUBSTANCE.  
(a) Notwithstanding any other law, a manufacturer of a substance delivered into a tank regulated under Sec. 7.156 may raise as an affirmative defense to any claims for responsibility for the properties of the substance that the substance was manufactured in strict accordance with state or federal specifications.

Same as House version.

CONFERENCE

The following rows were presented as the engrossed version of Senate Bill 275, relating to the application of new requirements for commercial underground injection control wells to be adopted by the Texas Commission on Environmental Quality.

**House Bill 3827**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION \_\_. (a) As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall adopt rules regulating the surface facilities associated with new commercial wells that propose to accept nonhazardous industrial waste for which a permit has not been issued on or before the effective date of this Act. In this section:

(1) "Commercial well" means a Class I injection well, as defined by commission rule, that a person may use to dispose of hazardous or nonhazardous industrial solid wastes for a charge. The term does not include:

(A) an injection well that is part of an integrated waste management unit of a captured facility; or

(B) an injection well at which only waste from facilities owned or effectively controlled by the same person is disposed.

(2) "Captured facility" means a manufacturing or production facility that generates an industrial solid waste or hazardous waste that is routinely stored, processed, or disposed of on a shared basis in an integrated waste management unit owned by, operated by, and located within a contiguous manufacturing complex.

(b) The rules adopted under Subsection (a) of this section may not apply to an application for a permit for an injection well:

(1) used solely for the sequestration or capture of carbon dioxide; or

(2) for which the surface facilities are associated with a well for which a permit is issued before the effective date

CONFERENCE

**House Bill 3827**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

of this Act.

(c) The Texas Commission on Environmental Quality shall provide that the rules adopted under Subsection (a) apply to every application for a permit for a new commercial underground injection control well that proposes to accept industrial or municipal waste that is filed on or after the effective date of this Act.