

By: Miller of Erath, et al.

H.B. No. 849

A BILL TO BE ENTITLED

AN ACT

relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

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

SECTION 1. Section 27.034, Water Code, is amended by adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a-1) In connection with an application for a permit to dispose of oil and gas waste in a commercial disposal well, as defined by the railroad commission, the rules adopted under Subsection (a) must, at a minimum:

(1) require the applicant to give notice of the application to:

(A) each owner of record of each surface tract that adjoins the tract on which the well is proposed to be located;

(B) the commissioners court of the county in which the well is proposed to be located; and

(C) any groundwater conservation district in which the well is proposed to be located;

(2) require each owner of record of a surface tract who receives notice of the application under Subdivision (1)(A) to give notice of the application to each surface lessee or purchaser under a contract for deed, executory contract, or other executory conveyance of the tract who occupies a residence located on the tract;

1 (3) require the applicant to publish notice of the
2 application in each newspaper of general circulation in the county
3 in which the well is proposed to be located that satisfies the
4 requirements of Section 2051.044, Government Code; and

5 (4) provide each person who receives notice of the
6 application under Subdivision (1)(A) or (B) an opportunity to
7 request a public hearing on the application.

8 (a-2) The failure of a person who receives notice of an
9 application under Subsection (a-1)(1)(A) to give notice of the
10 application to any person to whom the person is required to give
11 notice under Subsection (a-1)(2) does not invalidate any permit
12 issued by the railroad commission and may not be considered by the
13 railroad commission with respect to any pending permit application.

14 (a-3) The railroad commission is not required to hold more
15 than one public hearing on an application regardless of the number
16 of persons who request a hearing.

17 SECTION 2. Section 27.105(a), Water Code, is amended to
18 read as follows:

19 (a) A person who knowingly or intentionally violates a
20 provision of this chapter under the jurisdiction of the railroad
21 commission, a rule of the railroad commission other than a rule
22 adopted under Section 27.034(a-1)(2), or a term, condition, or
23 provision of a permit issued by the railroad commission under this
24 chapter is subject to a fine of not more than \$5,000 for each
25 violation and for each day of violation. A violation under the
26 jurisdiction of the commission is enforceable under Section 7.157.

27 SECTION 3. Section 27.034(a-1), Water Code, as added by

H.B. No. 849

1 this Act, applies only to an application for a permit to dispose of
2 oil and gas waste in a commercial disposal well, as defined by the
3 Railroad Commission of Texas.

4 SECTION 4. This Act takes effect September 1, 2011.