

By: Miller of Erath

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:

3 (A) a newspaper of general circulation in the
4 county in which the well is proposed to be located; and

5 (B) the newspaper that is published in closest
6 proximity to the proposed site of the well; and

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

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

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

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

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

H.B. No. 849

1 jurisdiction of the commission is enforceable under Section 7.157.

2 SECTION 3. This Act takes effect September 1, 2011.