

By: Davis

S.B. No. 104

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the release into the air of natural gas and associated vapors from a gas well.

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

SECTION 1. Section 86.185, Natural Resources Code, is amended to read as follows:

Sec. 86.185. RESTRICTIONS ON RELEASE OF [PROHIBITION AGAINST] GAS IN AIR: GAS WELLS IN GENERAL. (a) This section does not apply to a gas well to which Section 86.186 applies.

(b) No gas from a gas well may be permitted to escape into the air after the expiration of 10 days from the time the gas is encountered in the gas well, or from the time of perforating the casing opposite a gas-bearing zone if casing is set through the zone, whichever is later, but the commission may permit the escape of gas into the air for an additional time if the operator of a well or other facility presents information to show the necessity for the escape; provided that the amount of gas which is flared under that authority is charged to the operator's allowable production. A necessity includes but is not limited to the following situations:

(1) cleaning a well of sand or acid or both following stimulation treatment of a well; and

(2) repairing or modifying a gas-gathering system.

SECTION 2. Subchapter F, Chapter 86, Natural Resources

1 Code, is amended by adding Section 86.186 to read as follows:

2 Sec. 86.186. RESTRICTIONS ON RELEASE OF GAS IN AIR: GAS  
3 WELLS IN CERTAIN POPULOUS COUNTIES. (a) This section applies only  
4 to a gas well located in a county that is located wholly or partly  
5 above a hydrocarbon-producing geological formation that underlies  
6 all or part of two counties:

7 (1) that are adjacent to one another; and

8 (2) each of which has a population of more than 1.4  
9 million.

10 (b) After fracturing or refracturing a gas well that the  
11 operator anticipates completing or recompleting, the operator  
12 shall employ appropriate processes to minimize the release into the  
13 air of gas and associated vapors from the well.

14 (c) The operator of a gas well shall:

15 (1) deliver all salable gas to a sales line as soon as  
16 the pressure of the gas at the wellhead is sufficient to permit the  
17 gas to flow into the line; or

18 (2) shut in the well and conserve the gas.

19 (d) The operator of a gas well that has access to a sales  
20 line shall employ means or methods that minimize the release into  
21 the air of gas and associated vapors from the well when gas from the  
22 well is permitted to flow during the completion or recompletion of  
23 the well, except that the commission may authorize the release if  
24 the operator of the well or of another facility presents  
25 information to the commission showing the necessity for the  
26 release. The amount of gas flared or vented under the commission's  
27 authority shall be charged to the operator's allowable production.

1 A necessity includes the following situations:

2 (1) to avoid endangering the safety of persons  
3 performing work on the well or of the public;

4 (2) to comply with an oil or gas lease entered into  
5 before September 1, 2011;

6 (3) to repair or modify a gas-gathering system;

7 (4) the composition of the gas does not meet the  
8 minimum quality standards of the gatherer of the gas;

9 (5) the pressure of the gas at the wellhead is  
10 insufficient to permit the gas to flow into the sales line or  
11 another circumstance occurs that is beyond the control of the  
12 operator of the well; or

13 (6) other circumstances or conditions determined by  
14 the commission to be relevant to the goal of preventing waste or  
15 protecting the public interest.

16 (e) The commission shall adopt rules to implement this  
17 section. Rules adopted under this subsection:

18 (1) must require an operator to provide a statement on  
19 a form prescribed by the commission evidencing compliance with this  
20 section;

21 (2) must prescribe a procedure for obtaining  
22 commission authorization of the release into the air of gas and  
23 associated vapors from a gas well; and

24 (3) may limit the period for which gas and associated  
25 vapors from a gas well may be released into the air with commission  
26 authorization.

27 (f) The municipality in which a gas well is located may

1 monitor the operator's compliance with this section. A  
2 municipality may adopt an ordinance to implement this subsection.

3 SECTION 3. Section 86.012(a), Natural Resources Code, is  
4 amended to read as follows:

5 (a) The term "waste" includes:

6 (1) the operation of an oil well or wells with an  
7 inefficient gas-oil ratio;

8 (2) the drowning with water of a stratum or part of a  
9 stratum capable of producing gas in paying quantities;

10 (3) permitting a gas well to burn wastefully;

11 (4) the creation of unnecessary fire hazards;

12 (5) physical waste or loss incident to or resulting  
13 from so drilling, equipping, or operating a well or wells as to  
14 reduce or tend to reduce the ultimate recovery of gas from any pool;

15 (6) the escape of gas from a well producing both oil  
16 and gas into the open air in excess of the amount that is necessary  
17 in the efficient drilling or operation of the well;

18 (7) the production of gas in excess of transportation  
19 or market facilities or reasonable market demand for the type of gas  
20 produced;

21 (8) the use of gas for the manufacture of carbon black  
22 without first having extracted the natural gasoline content from  
23 the gas, except it shall not be necessary to first extract the  
24 natural gasoline content from the gas where it is utilized in a  
25 plant producing an average recovery of not less than five pounds of  
26 carbon black to each 1,000 cubic feet of gas;

27 (9) the use of sweet gas produced from a gas well for

1 the manufacture of carbon black unless it is used in a plant  
2 producing an average recovery of not less than five pounds of carbon  
3 black to each 1,000 cubic feet and unless the sweet gas is produced  
4 from a well located in a common reservoir producing both sweet and  
5 sour gas;

6 (10) permitting gas produced from a gas well to escape  
7 into the air before or after the gas has been processed for its  
8 gasoline content, unless authorized as provided in Section 86.185  
9 or 86.186 [~~of this code~~];

10 (11) the production of natural gas from a well  
11 producing oil from a stratum other than that in which the oil is  
12 found unless the gas is produced in a separate string of casing from  
13 that in which the oil is produced;

14 (12) the production of more than 100,000 cubic feet of  
15 gas to each barrel of crude petroleum oil unless the gas is put to  
16 one or more of the uses authorized for the type of gas so produced  
17 under allocations made by the commission or unless authorized as  
18 provided in Section 86.185 or 86.186 [~~of this code~~]; and

19 (13) underground waste or loss however caused and  
20 whether or not defined in other subdivisions of this section.

21 SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2011.