

By: Davis

S.B. No. 105

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 27.037 to read as follows:

8 Sec. 27.037. RESTRICTION ON CERTAIN COMMERCIAL DISPOSAL  
9 WELLS. (a) This section applies only to a commercial disposal well,  
10 as defined by the railroad commission, proposed to be located in a  
11 county that is located wholly or partly above a  
12 hydrocarbon-producing geological formation that underlies all or  
13 part of two counties:

14 (1) that are adjacent to one another; and  
15 (2) each of which has a population of more than 1.4  
16 million.

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. Section 27.037, Water Code, as added by this Act,  
23 applies only to a permit application pending before the Railroad  
24 Commission of Texas on or after the effective date of this Act. A

1 permit issued before the effective date of this Act is governed by  
2 the law in effect when the permit was issued, and the former law is  
3 continued 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, 2011.