

By: Gutierrez

H.B. No. 3539

A BILL TO BE ENTITLED

AN ACT

relating to the source and supply of water used for oil and gas exploration and production in the State of Texas.

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

SECTION 1. Subchapter A, Chapter 36, Water Code, is amended by adding Section 36.001 (31) and (32) to read as follows:

(31) "Base of Usable Quality Water" shall mean the elevation measured in feet/mean sea level at which the total dissolved solids contained in the groundwater in the aquifer beneath the site at which the well is to be located is reasonably believed to exceed a total dissolved solid content of 1,000 mg/L, as exclusively determined by the hydrologist for the Groundwater Advisory Unit of the Texas Railroad Commission.

(32) "Enhanced Recovery Water Source Well" or "ERWSW" shall mean a well that is used for the production and supply of groundwater for use in hydraulic fracturing and other ancillary oil and gas operations, done in conjunction with enhanced recovery operations for oil and gas exploration and production, that is drilled and completed according to Railroad Commission guidelines for such wells and if withdrawing water only from below the Base of Useable Quality Water; such wells shall be under the exclusive jurisdiction of the Texas Railroad Commission.

SECTION 2. Section 36.117, Water Code, is amended by amending Subsection (b) thereof by adding a new Subsection (b)(4)

1 thereto; by amending Subsection (f) thereof; and by adding a new  
2 Subsection (m) thereto; to read as follows:

3 (b) Except as provided by this section, a district shall  
4 provide an exemption from the district requirement to obtain a  
5 permit for:

6 or (4) drilling or operating an Enhanced Recovery Water  
7 Source Well which penetrates the Base of Useable Quality Water.

8 (f) A district may require compliance with the district's  
9 well spacing rules for the drilling of any well except a well  
10 exempted under Subsection (b)(3) or (b)(4).

11 (m) An entity holding a permit issued by the Railroad  
12 Commission of Texas under Section 91.101, Natural Resources Code,  
13 that authorizes the drilling or operation of an Enhanced Recovery  
14 Water Source Well which penetrates the Base of Useable Quality  
15 Water shall report monthly to the district:

16 (1) Provide the location, depth of the well and  
17 operator information with the district;

18 (2) Provide a copy of the well driller's log to the  
19 district;

20 (3) Provide water quality and water level data to the  
21 district;

22 (4) The total amount of water withdraw during each  
23 month;

24 (5) The quantity of water necessary to supply water  
25 for hydraulic fracturing and other ancillary oil and gas  
26 operations;

27 (6) The quantity of water withdrawn for other

1 purposes.

2 SECTION 3. Section 91.001, Natural Resources Code, is  
3 amended by adding Subsection (4) thereof; to read as follows:

4 Sec. 91.001. DEFINITIONS.

5 (4) "Base of Useable Quality Water" has the meaning  
6 assigned by Section 36.001(31), Water Code.

7 (5) "Enhanced Recovery Water Source Well" or "ERWSW"  
8 has the same meaning assigned by 36.001(32), Water Code.

9 SECTION 4. Section 91.101, Natural Resources Code, is  
10 amended by adding a Subsection (a)(2)(G) thereto; and by adding a  
11 Subsection (c) thereto; to read as follows:

12 (a) To prevent pollution of surface water or subsurface  
13 water in the state, the commission shall adopt and enforce rules and  
14 orders and may issue permits relating to:

15 (2) the production of oil and gas, including:

16 (G) activities associated with the drilling or  
17 operation of an Enhanced Recovery Water Source Well which penetrate  
18 the Base of Useable Quality Water;

19 (c) Except as provided by Section 36.117(m), Water Code, the  
20 Commission has exclusive jurisdiction over the activities  
21 described by Subsection (a)(2)(G).

22 SECTION 5. Within 30 days after the Texas Railroad  
23 Commission receives an application for an Enhanced Water Source  
24 Recovery Well or injection water source supply well, the  
25 groundwater advisory unit of the Texas Railroad Commission shall  
26 determine the Base of Useable Quality Water for each aquifer at the  
27 site for which the well is to be drilled.

1           SECTION 6. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2013.