

By: Carona

S.B. No. 1249

A BILL TO BE ENTITLED

AN ACT

relating to plugging, capping, repairing, or completing certain wells.

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

SECTION 1. Section 1901.254, Occupations Code, is amended to read as follows:

Sec. 1901.254. NOTICE REGARDING INJURIOUS WATER, DETERIORATED WELL, OR ABANDONED WELL [~~PLUGGING, REPAIR, OR COMPLETION OF WELL~~]. (a) A driller shall notify the department and the landowner or person having a well drilled that a well must be plugged, capped, repaired, or properly completed, as appropriate, in order to avoid injury or pollution on encountering:

(1) water injurious to vegetation, land, or other water;

(2) a deteriorated well; or

(3) an abandoned well [~~and determining that the well must be plugged, repaired, or properly completed in order to avoid injury or pollution~~].

(b) A [~~The~~] driller shall give the notice required under Subsection (a) not later than the fifth day after encountering the injurious water, deteriorated well, or abandoned [~~ensure that the well is plugged, repaired, or properly completed under standards and procedures adopted by the commission~~].

(c) In this section, "abandoned well," "deteriorated well,"

1 and "properly completed" have the meanings assigned by Section
2 1901.255.

3 SECTION 2. The heading to Section 1901.255, Occupations
4 Code, is amended to read as follows:

5 Sec. 1901.255. PLUGGING, CAPPING, REPAIRING, OR PROPERLY
6 COMPLETING WATER WELL; REPORT.

7 SECTION 3. Section 1901.255(a), Occupations Code, is
8 amended by adding Subdivision (3) to read as follows:

9 (3) "Properly complete" means to perform to the
10 standards and procedures adopted by the commission any work
11 undertaken in the process of building or altering a well, including
12 siting, drilling, boring, coring, or deepening.

13 SECTION 4. Section 1901.255, Occupations Code, is amended
14 by amending Subsections (c) and (d) and adding Subsection (c-1) to
15 read as follows:

16 (c) A [~~Not later than the 180th day after the date a~~]
17 landowner or other person having a well drilled who encounters
18 water injurious to vegetation, land, or other water or a landowner
19 or other person who possesses a [~~an abandoned or~~] deteriorated well
20 [~~learns of its condition, the landowner or other person~~] shall have
21 the well plugged, [~~or~~] capped, repaired, or properly completed, as
22 appropriate, under standards and procedures adopted by the
23 commission not later than the 30th day after:

24 (1) receiving notice under Section 1901.254; or

25 (2) becoming aware of the existence of the injurious
26 water or deteriorated well.

27 (c-1) A landowner or other person who possesses an abandoned

1 well shall have the well plugged, capped, repaired, or properly
2 completed, as appropriate, under standards and procedures adopted
3 by the commission not later than the 90th day after:

- 4 (1) receiving notice under Section 1901.254; or
5 (2) becoming aware of the existence of the abandoned
6 well.

7 (d) Not later than the 10th [~~30th~~] day after the date a [the]
8 well is plugged, capped, repaired, or properly completed, as
9 appropriate, in accordance with Subsection (c) or (c-1), a driller,
10 licensed pump installer, or well owner who plugs, caps, repairs, or
11 properly completes the [an abandoned or deteriorated] well shall
12 submit a [plugging] report to:

13 (1) the board of directors of the groundwater
14 conservation district in which the well is located, if the well is
15 located in the boundaries of a groundwater conservation district;
16 and

17 (2) the department [~~the executive director~~].

18 SECTION 5. Section 1902.252, Occupations Code, is amended
19 to read as follows:

20 Sec. 1902.252. NOTICE REGARDING INJURIOUS WATER,
21 DETERIORATED WELL, OR ABANDONED [~~REPAIR OR COMPLETION OF~~] WELL.

22 (a) An installer shall notify the department and the landowner or
23 person having a pump installed or repaired that a well must be
24 plugged, capped, repaired, or properly completed, as appropriate,
25 on encountering:

- 26 (1) water injurious to vegetation, land, or other
27 water;

1 (2) a deteriorated well; or

2 (3) an abandoned well.

3 (b) An [~~To avoid injury or pollution, the~~] installer shall
4 give the notice required under Subsection (a) not later than the
5 fifth day after encountering the injurious water, deteriorated
6 well, or abandoned [~~repair or properly complete the~~] well [~~under~~
7 ~~standards and procedures adopted by the commission~~].

8 (c) In this section, "abandoned well," "deteriorated well,"
9 and "properly completed" have the meanings assigned by Section
10 1901.255.

11 SECTION 6. Subchapter F, Chapter 1902, Occupations Code, is
12 amended by adding Section 1902.2525 to read as follows:

13 Sec. 1902.2525. PLUGGING, CAPPING, REPAIRING, OR PROPERLY
14 COMPLETING WATER WELL; REPORT. (a) In this section, "abandoned
15 well," "deteriorated well," and "properly completed" have the
16 meanings assigned by Section 1901.255.

17 (b) A landowner or other person having a pump installed who
18 encounters water injurious to vegetation, land, or other water or a
19 landowner or other person who possesses a deteriorated well shall
20 have the well plugged, capped, repaired, or properly completed, as
21 appropriate, under standards and procedures adopted by the
22 commission not later than the 30th day after:

23 (1) receiving notice under Section 1902.252; or

24 (2) becoming aware of the existence of the injurious
25 water or deteriorated well.

26 (c) A landowner or other person who possesses an abandoned
27 well shall have the well plugged, capped, repaired, or properly

1 completed, as appropriate, under standards and procedures adopted
2 by the commission not later than the 90th day after:

- 3 (1) receiving notice under Section 1902.252; or
4 (2) becoming aware of the existence of the abandoned
5 well.

6 (d) Not later than the 10th day after the date a well is
7 plugged, capped, repaired, or properly completed, as appropriate,
8 in accordance with Subsection (b) or (c), an installer or well owner
9 who plugs, caps, repairs, or properly completes the well shall
10 submit a report to:

- 11 (1) the board of directors of the groundwater
12 conservation district in which the well is located, if the well is
13 located in the boundaries of a groundwater conservation district;
14 and

- 15 (2) the department.

16 SECTION 7. Sections 1901.255(b) and (e) and 1902.253,
17 Occupations Code, are repealed.

18 SECTION 8. Not later than March 31, 2014, the Texas
19 Commission on Licensing and Regulation shall adopt the rules,
20 standards, or procedures necessary to implement this Act.

21 SECTION 9. The changes in law made by this Act to Chapters
22 1901 and 1902, Occupations Code, apply only to the discovery of
23 injurious water, a deteriorated well, or an abandoned well that
24 occurs on or after the effective date of this Act. The discovery of
25 injurious water, a deteriorated well, or an abandoned well that
26 occurs before the effective date of this Act is governed by the law
27 in effect on the date of discovery and the former law is continued

1 in effect for that purpose.

2 SECTION 10. This Act takes effect September 1, 2013.