

By: Uresti

S.B. No. 189

A BILL TO BE ENTITLED

AN ACT

relating to notice of an application for a permit to drill certain injection wells within a certain distance of a groundwater conservation district.

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

SECTION 1. The heading to Section 27.017, Water Code, is amended to read as follows:

Sec. 27.017. NOTICE TO AND RECOMMENDATIONS FROM OTHER ENTITIES REGARDING APPLICATIONS.

SECTION 2. Section 27.017(b), Water Code, is amended to read as follows:

(b) This subsection does not apply to an application for a permit for an ASR injection well under Subchapter G. If an application is received in proper form for a permit for an injection well under the jurisdiction of the commission under this chapter ~~[to dispose of industrial and municipal waste]~~ and the proposed location of the injection well is in the territory of or within 10 miles of the boundaries of a groundwater conservation district, the executive director shall submit a copy of the application to the governing body of each such ~~[the]~~ groundwater conservation district. Notice received under this subsection does not grant a groundwater conservation district standing as an affected person in a protest or hearing before the commission.

SECTION 3. Section 27.018(e), Water Code, is amended to

1 read as follows:

2 (e) This subsection does not apply to an application for a
3 permit for an ASR injection well under Subchapter G. In addition to
4 the requirements of Subsection (c), before any testimony is heard
5 in a contested case regarding an application for a permit for an
6 injection well under the jurisdiction of the commission under this
7 chapter [~~to dispose of industrial and municipal waste~~] that is
8 proposed to be located in the territory of or within 10 miles of the
9 boundaries of a groundwater conservation district, the record of
10 the proceeding must include evidence that:

11 (1) a copy of each draft permit proposed by the
12 executive director was provided to the governing body of each such
13 [~~the~~] groundwater conservation district; and

14 (2) notice of the contested case hearing was mailed to
15 the governing body of each such [~~the~~] groundwater conservation
16 district.

17 SECTION 4. Subchapter C, Chapter 27, Water Code, is amended
18 by adding Section 27.0322 to read as follows:

19 Sec. 27.0322. NOTICE TO GROUNDWATER CONSERVATION
20 DISTRICTS. (a) A person making application to the railroad
21 commission for a permit for an injection well to which this
22 subchapter applies the proposed location of which is in the
23 territory of or within 10 miles of the boundaries of a groundwater
24 conservation district shall:

25 (1) submit a copy of the application to the governing
26 body of each such groundwater conservation district; and

27 (2) submit with the application evidence showing that

1 the applicant has complied with Subdivision (1).

2 (b) Notice received under this section does not grant a
3 groundwater conservation district standing as an affected person in
4 a protest or hearing before the railroad commission.

5 SECTION 5. Subchapter C-1, Chapter 27, Water Code, is
6 amended by adding Section 27.0441 to read as follows:

7 Sec. 27.0441. NOTICE TO GROUNDWATER CONSERVATION
8 DISTRICTS. (a) A person making application to the railroad
9 commission for a permit for an injection well to which this
10 subchapter applies the proposed location of which is in the
11 territory of or within 10 miles of the boundaries of a groundwater
12 conservation district shall:

13 (1) submit a copy of the application to the governing
14 body of each such groundwater conservation district; and

15 (2) submit with the application evidence showing that
16 the applicant has complied with Subdivision (1).

17 (b) Notice received under this section does not grant a
18 groundwater conservation district standing as an affected person in
19 a protest or hearing before the railroad commission.

20 SECTION 6. (a) Not later than March 1, 2018, the Texas
21 Commission on Environmental Quality and the Railroad Commission of
22 Texas shall adopt rules as necessary to implement the change in law
23 made by this Act to Chapter 27, Water Code.

24 (b) The change in law made by this Act to Chapter 27, Water
25 Code, applies only to a permit application submitted to the Texas
26 Commission on Environmental Quality or the Railroad Commission of
27 Texas on or after the effective date of the applicable rules adopted

1 under Subsection (a) of this section. A permit application
2 submitted before the effective date of the applicable rules adopted
3 under Subsection (a) of this section is governed by the law in
4 effect when the permit application was submitted, and the former
5 law is continued in effect for that purpose.

6 SECTION 7. This Act takes effect September 1, 2017.