

By: Hughes

S.B. No. 1585

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Commission on Environmental
3 Quality to issue permits for the discharge into water of this state
4 of produced water, hydrostatic test water, and gas plant effluent
5 resulting from certain oil and gas activities.

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

7 SECTION 1. Section 26.131, Water Code, as effective until
8 delegation of authority under the Resource Conservation and
9 Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.) to the
10 Railroad Commission of Texas, is amended by amending Subsections
11 (a) and (b) and adding Subsection (d) to read as follows:

12 (a) Except as provided by this section, the [The] Railroad
13 Commission of Texas is solely responsible for the control and
14 disposition of waste and the abatement and prevention of pollution
15 of surface and subsurface water resulting from:

16 (1) activities associated with the exploration,
17 development, and production of oil or gas or geothermal resources,
18 including:

19 (A) activities associated with the drilling of
20 injection water source wells which penetrate the base of useable
21 quality water;

22 (B) activities associated with the drilling of
23 cathodic protection holes associated with the cathodic protection
24 of wells and pipelines subject to the jurisdiction of the Railroad

1 Commission of Texas;

2 (C) activities associated with gasoline plants,
3 natural gas or natural gas liquids processing plants, pressure
4 maintenance plants, or repressurizing plants;

5 (D) activities associated with any underground
6 natural gas storage facility, provided the terms "natural gas" and
7 "storage facility" shall have the meanings set out in Section
8 [91.173](#), Natural Resources Code;

9 (E) activities associated with any underground
10 hydrocarbon storage facility, provided the terms "hydrocarbons"
11 and "underground hydrocarbon storage facility" shall have the
12 meanings set out in Section [91.201](#), Natural Resources Code; and

13 (F) activities associated with the storage,
14 handling, reclamation, gathering, transportation, or distribution
15 of oil or gas prior to the refining of such oil or prior to the use
16 of such gas in any manufacturing process or as a residential or
17 industrial fuel;

18 (2) except to the extent the activities are regulated
19 by the Texas Department of Health under Chapter [401](#), Health and
20 Safety Code, activities associated with uranium exploration
21 consisting of the disturbance of the surface or subsurface for the
22 purpose of or related to determining the location, quantity, or
23 quality of uranium ore; and

24 (3) any other activities regulated by the Railroad
25 Commission of Texas pursuant to Section [91.101](#), Natural Resources
26 Code.

27 (b) Except as provided by Subsection (d), the ~~[The]~~ Railroad

1 Commission of Texas may issue permits for the discharge of waste
2 resulting from the [~~these~~] activities described by Subsection (a),
3 and the discharge of waste into water in this state resulting from
4 those [~~these~~] activities must [~~shall~~] meet the water quality
5 standards established by the commission.

6 (d) The commission may issue permits for the discharge into
7 water of this state of produced water, hydrostatic test water, and
8 gas plant effluent resulting from the activities described by
9 Subsection (a). The discharge of produced water, hydrostatic test
10 water, and gas plant effluent into water in this state under this
11 subsection must meet the water quality standards established by the
12 commission.

13 SECTION 2. Section 26.131, Water Code, as effective on
14 delegation of authority under the Resource Conservation and
15 Recovery Act of 1976 (42 U.S.C. 6901 et seq.) to the Railroad
16 Commission of Texas, is amended to read as follows:

17 Sec. 26.131. DUTIES OF RAILROAD COMMISSION. (a) Except as
18 provided by this section, the [~~The~~] Railroad Commission of Texas is
19 solely responsible for the control and disposition of waste and the
20 abatement and prevention of pollution of surface and subsurface
21 water resulting from:

22 (1) activities associated with the exploration,
23 development, and production of oil or gas or geothermal resources,
24 including:

25 (A) activities associated with the drilling of
26 injection water source wells which penetrate the base of useable
27 quality water;

1 (B) activities associated with the drilling of
2 cathodic protection holes associated with the cathodic protection
3 of wells and pipelines subject to the jurisdiction of the Railroad
4 Commission of Texas;

5 (C) activities associated with gasoline plants,
6 natural gas or natural gas liquids processing plants, pressure
7 maintenance plants, or repressurizing plants;

8 (D) activities associated with any underground
9 natural gas storage facility, provided the terms "natural gas" and
10 "storage facility" shall have the meanings set out in Section
11 [91.173](#), Natural Resources Code;

12 (E) activities associated with any underground
13 hydrocarbon storage facility, provided the terms "hydrocarbons"
14 and "underground hydrocarbon storage facility" shall have the
15 meanings set out in Section [91.201](#), Natural Resources Code; and

16 (F) activities associated with the storage,
17 handling, reclamation, gathering, transportation, or distribution
18 of oil or gas prior to the refining of such oil or prior to the use
19 of such gas in any manufacturing process or as a residential or
20 industrial fuel;

21 (2) except to the extent the activities are regulated
22 by the Texas Department of Health under Chapter [401](#), Health and
23 Safety Code, activities associated with uranium exploration
24 consisting of the disturbance of the surface or subsurface for the
25 purpose of or related to determining the location, quantity, or
26 quality of uranium ore; and

27 (3) any other activities regulated by the Railroad

1 Commission of Texas pursuant to Section [91.101](#), Natural Resources
2 Code.

3 (b) Except as provided by Subsection (c), the [The] Railroad
4 Commission of Texas may issue permits for the discharge of waste
5 resulting from the [these] activities described by Subsection (a),
6 and the discharge of waste into water in this state resulting from
7 those [these] activities must [shall] meet the water quality
8 standards established by the commission.

9 (c) The commission may issue permits for the discharge into
10 water of this state of produced water, hydrostatic test water, and
11 gas plant effluent resulting from the activities described by
12 Subsection (a). The discharge of produced water, hydrostatic test
13 water, and gas plant effluent into water in this state under this
14 subsection must meet the water quality standards established by the
15 commission.

16 SECTION 3. The change in law made by this Act to Section
17 [26.131](#), Water Code, applies only to an application for an
18 authorization to discharge produced water, hydrostatic test water,
19 or gas plant effluent that is filed on or after the effective date
20 of this Act. An application that is filed before the effective date
21 of this Act is governed by the law as it existed immediately before
22 the effective date of this Act, and that law is continued in effect
23 for that purpose.

24 SECTION 4. This Act takes effect September 1, 2019.