

## **BILL ANALYSIS**

H.B. 4872  
By: Rogers  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

For many years, the Railroad Commission of Texas has allowed for oil and gas wells that were originally drilled under its jurisdiction to be reconditioned for the production of groundwater and conveyed to the landowner. These are colloquially known as "P-13 wells" and are currently ineligible for remediation through the oil and gas regulation cleanup fund. According to the House Committee on Natural Resources Interim Report to the 88th Legislature, many of these wells pose a dangerous risk to public health. H.B. 4872 seeks to address that risk by providing for a process by which landowners are able to report to the Texas Commission on Environmental Quality the existence of a well on their property that was not properly plugged or otherwise poses a threat to groundwater or surface water and by providing for a grant program for the plugging of those reported wells.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

### **ANALYSIS**

H.B. 4872 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) by rule to develop the following:

- a process through which a landowner may report to the TCEQ the presence on the landowner's land of a well that meets the following criteria:
  - it was originally drilled or operated as an oil or gas well under a permit issued by the Railroad Commission of Texas (RRC) and subsequently was conveyed to the landowner for use as a water well; and
  - it has not been plugged properly or otherwise poses a threat to groundwater or surface water; and
- a program to provide grants to landowners or governmental entities for the plugging of wells reported through that process.

The bill requires the rules implementing the grant program to require the following:

- that the award of grants be based on an actual or probable threat to groundwater or surface water posed by a reported well; and
- that the plugging of the well be performed by the RRC or a well plugger approved by the RRC.

**EFFECTIVE DATE**

September 1, 2023.