

By: Nichols

S.B. No. 1428

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a prohibition on the issuance by the Railroad
3 Commission of Texas of a permit for certain commercial surface
4 disposal facilities.

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

6 SECTION 1. Subchapter D, Chapter 91, Natural Resources
7 Code, is amended by adding Section 91.118 to read as follows:

8 Sec. 91.118. PROHIBITION ON PERMIT FOR COMMERCIAL SURFACE
9 DISPOSAL FACILITY IF ALTERNATIVE EXISTS. (a) In this section,
10 "commercial surface disposal facility" has the meaning assigned by
11 Section 91.116.

12 (b) The commission may not approve an application for a
13 permit for a commercial surface disposal facility unless the
14 commission determines the facility is necessary after considering
15 whether a practical, economic, and feasible alternative to the
16 facility exists that is reasonably available to provide disposal of
17 the types of fluids and waste for which the permit is sought.

18 SECTION 2. The change in law made by this Act applies only
19 to an application for a permit that is filed with the Railroad
20 Commission of Texas on or after the effective date of this Act. An
21 application for a permit filed before the effective date of this Act
22 is governed by the law in effect on the date of filing, and that law
23 is continued in effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2023.