

SUBJECT: Capping, repairing, or plugging abandoned or deteriorated water wells

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 10 ayes — Larson, Phelan, Ashby, Frank, Kacal, T. King, Lucio, Nevárez,  
Price, Workman

0 nays

1 absent — Burns

WITNESSES: For — David Mauk, Bandera County River Authority and Groundwater District; Gregory Ellis, Bandera County River Authority and Groundwater District, Gonzales County UWCD, and other clients of the firm; Sarah Schlessinger, Texas Alliance of Groundwater Districts; (*Registered, but did not testify*: Heather Harward, Brazos Valley GCD; Gavin Massingill, Edwards Aquifer Authority; Charles Flatten, Hill Country Alliance; Tom Glass, League of Independent Voters; C.E. Williams, Panhandle Groundwater District; Leah Adams, Panola County Groundwater Conservation District; Jim Conkwright, Prairielands Groundwater Conservation District; Ty Embrey, Real Edwards Conservation and Reclamation District; Christopher Mullins, Sierra Club; Robert Turner, Sutton County UWCD; Brian Sledge, Upper Trinity GCD, Prairielands GCD; Vanessa Escobar)

Against — None

On — Martha Landwehr, Texas Chemical Council; (*Registered, but did not testify*: Lee Parham, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code, sec. 1901.255 requires landowners or persons with an abandoned or deteriorated well to plug or cap the well within 180 days of learning of the well's condition. A deteriorated well is one that, because of its condition, is likely to cause pollution of any water in the state, including groundwater. An abandoned well is one that is not in use.

Water Code, sec. 36.118 allows a groundwater conservation district to require an owner or lessee of land with an open or uncovered well to keep the well permanently closed or capped with a covering capable of sustaining weight of at least 400 pounds, except when the well is in actual use. If the owner or lessee fails to comply, the district may go on the land to close or cap the well. Any reasonable expenses incurred in doing so constitutes a lien on the land.

Concerns have been raised that the number of open, uncovered, abandoned, or deteriorated water wells in Texas is increasing, creating the potential for economic and environmental harms.

**DIGEST:**

CSHB 3025 would distinguish between requirements for addressing abandoned wells and deteriorated wells. A landowner or person with a deteriorated well would be required to plug or repair, rather than plug or cap, the well within 180 days of learning of its condition.

Groundwater conservation districts could require the owner or lessee of land to permanently close or cap an abandoned well. All open, uncovered, or abandoned wells would have to be closed or capped with a heavy covering that was not easily removed. Districts no longer could go on the land to close or cap wells but could go on the land to repair and plug them. Reasonable expenses for repairing and plugging would constitute a lien on the land.

Districts would have to require owners or lessees of land with a deteriorated well to plug or repair it sufficiently to prevent pollution of water, including groundwater. Within 10 days of the owner or lessee receiving notice of this requirement from the district, a person or entity employed by the district could go on the land and repair or plug the well. Any reasonable expenses incurred for repairing and plugging the well would constitute a lien on the land.

Employees of the Bandera County River Authority and Groundwater District could cap an open, uncovered, or abandoned well, or repair or plug a deteriorated well, if they received training on how to complete

these tasks for a well located in a karst topographic area. The employee would not have to have a license to perform these actions.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.