

BILL ANALYSIS

Senate Research Center
81R5694 JJT-D

H.B. 1890
By: Creighton, Eissler (Nichols)
Natural Resources
5/11/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently when a permit application is filed for a new underground injection well, the Texas Commission on Environmental Quality (TCEQ) is required to notify the Department of State Health Services and other interested entities who may then make recommendations on the permit application. However, there is no existing requirement that the applicant must notify a local groundwater conservation district. A groundwater conservation district has a vested interest in knowing what materials may be injected below or near a managed aquifer.

H.B. 1890 requires TCEQ to also notify groundwater conservation districts of new permit applications for wells within the district's territory.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 27.017, Water Code, as follows:

Sec. 27.017. RECOMMENDATIONS FROM OTHER ENTITIES. (a) Creates this subsection from existing text. Requires the executive director of the Texas Commission on Environmental Quality (executive director) to submit to the Department of State Health Services, rather than the Texas Department of Health, and to other persons which the Texas Commission on Environmental Quality (TCEQ) may designate copies of every application received in proper form.

(b) Requires the executive director to submit a copy of the application to the governing body of the groundwater conservation district (district) if an application is received in proper form for a permit for an injection well to dispose of industrial and municipal waste and the proposed location of the injection well is in the territory of the district. Authorizes the district to make recommendations to TCEQ concerning any aspect of the application in the same manner as an entity that submitted a copy of the application under Subsection (a).

SECTION 2. Amends Section 27.018, Water Code, by adding Subsection (e), to require that the record of the proceeding, in addition to the requirements of Subsection (c) (relating to evidence that notice of the hearing has been given to affected persons), before any testimony is heard in a contested case regarding an application for a permit for an injection well to dispose of industrial and municipal waste that is proposed to be located in the territory of the district, include evidence that a copy of each draft permit proposed by the executive director was provided to the governing body of the district and notice of the contested case hearing was mailed to the governing body of the district.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2009.