

- SUBJECT:** Providing notice of applications for permits for certain injection wells
- COMMITTEE:** Natural Resources — committee substitute recommended
- VOTE:** 9 ayes — Ritter, T. King, Beck, Creighton, Hopson, Keffer, Larson, Lucio, Price
0 nays
2 absent — Martinez Fischer, D. Miller
- WITNESSES:** For — (*registered, but did not testify*: Jim Allison, Victoria County Groundwater Conservation District; Don Allred, County Judges and Commissioners of Texas; Ken Kramer, Lone Star Chapter, Sierra Club; Robin Schneider, Texas Campaign for the Environment; Ben Sebree, Texas Oil & Gas Association)

Against — Gerhardt Schulle, Jr., Environmental Processing Systems
- BACKGROUND:** Current law requires the executive director of the Texas Commission on Environmental Quality (TCEQ) to submit to the Department of State Health Services and any other designated persons copies of each application for an injection well permit. If a local government in the county of the proposed disposal well site or an affected person requests it, TCEQ must hold a hearing on an injection well permit application to dispose of industrial and municipal waste.
- DIGEST:** CSHB 444 would require the TCEQ executive director to submit a copy of an application for an injection well permit to dispose of industrial and municipal waste to a groundwater conservation district board if the proposed injection well was located in the groundwater conservation district's territory.

If there was a hearing in a contested case for an injection well permit within the territory of the groundwater conservation district, the record of the proceeding would have to include evidence that the groundwater conservation district board was provided a copy of the draft permit proposed to TCEQ and was mailed notice of the contested case hearing.

The 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, 2011. It would apply only to an application for an injection well permit within a groundwater conservation district's territory received by TCEQ on or after the effective date.

**SUPPORTERS
SAY:**

CSHB 444 would encourage transparency by ensuring that the public was sufficiently informed if an injection well could be placed in their area by requiring notice to a groundwater conservation district if the well were within the district's jurisdiction. Since material in an injection well, if not properly contained, could negatively impact the water quality of groundwater, this would be a prudent and reasonable step that would not unduly burden industry.

**OPPONENTS
SAY:**

This bill would add an unnecessary step in the injection well permitting process. Notice of permits for injection wells that dispose of industrial and municipal waste already must be published in statewide or regional newspapers, so this additional notice would be needlessly redundant.

NOTES:

The committee substitute deleted a provision in the original bill that would have allowed a groundwater conservation district to make recommendations on an injection well permit application to TCEQ.

The companion bill, SB 429 by Nichols, has been referred to the Senate Natural Resources Committee.

During the 2009 regular session, a similar bill, HB 1890 by Creighton, passed the House by 144-0 and was reported favorably by the Senate Natural Resources Committee and placed on the Senate Intent Calendar, but no further action was taken.