

SUBJECT: Requiring TCEQ to adopt rules for surface facilities of injection wells

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 6 ayes — Ritter, Creighton, Frost, Lucio, D. Miller, Smithee

2 nays — Corte, T. King

3 absent — Callegari, Laubenberg, Martinez Fischer

SENATE VOTE: On final passage, April 30 — 30-1 (Averitt)

WITNESSES: *(On House companion bill, HB 179:)*

For — Mike Gershon, Lone Star Groundwater Conservation District; Jennifer Real, Richard Ward, Citizen Residents Oppose Wells; Glenn Roebuck; Philip Wagoner; *(Registered, but did not testify:* Jim Allison, County Judges and Commissioners Association of Texas, Victoria County Groundwater Conservation District; Paul Babb, Lois Carver, Flora Harrell, Shirley Hoagland, Lois Nelson, Connie Roebuck, Paula Sewall, Citizen Residents Oppose Wells; Karen Darcy; Kathie Herrick; Claude Hunter, The Woodlands Township, The Woodlands Association, The Woodlands Community Association, the Woodlands Commerce Association; Martha Kate; Ken Kramer, Lone Star Chapter, Sierra Club; Carol M. Matzel; James McKinney; Carolyn O'Keefe; T.J. Patterson, City of Fort Worth; Falda Rimel; Marta Rohfritch; Richard Rohfritch; Charlotte Smith; Hershall Smith; Bob Stout, The Woodlands Township; Carol Stromatt; William Stromatt, Elinor Wagoner)

Against — Frank Marine, TM Deer Park Services LP; Gerhardt Schulle, Jr., Environmental Processing Systems

On — Jackie Hardee, Texas Commission on Environmental Quality

(On committee substitute for HB 179:)

For — Mike Gershon, Kathy Jones, Lone Star Groundwater Conservation District; David Walker, Montgomery County; *(Registered, but did not testify:* Shannon Lucas, Texas Mining and Reclamation Association)

Against — Matthew McEwen, Louis Ross, Taxco Gulf Disposal, LLC

BACKGROUND: Class I injection wells inject hazardous and non-hazardous wastes into deep, isolated rock formations. Class I wells are regulated by the Texas Commission on Environmental Quality (TCEQ). An individual, corporation, or other legal entity that disposes of waste by Class I well injection must obtain a permit pursuant to Water Code, ch. 27 and Health and Safety Code, ch. 361.

DIGEST: SB 275 would require the Texas Commission on Environmental Quality (TCEQ) to adopt rules regulating the surface facilities associated with new commercial Class I injection wells that proposed to accept nonhazardous industrial waste for which a permit had not been issued on or before September 1, 2009.

These rules would apply to every application for a permit for a new commercial underground injection control well that proposed to accept industrial or municipal waste that was filed on or after September 1, 2009.

The rules would not apply to an application for a permit for an injection well used solely for the sequestration or capture of carbon dioxide or for which the surface facilities were associated with a well permitted before September 1, 2009.

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, 2009.

SUPPORTERS SAY: CSHB 179 would require TCEQ to adopt rules for the surface facilities associated with commercial, nonhazardous industrial waste wells. It is important that there are rules in place that govern the construction and operation of surface facilities that are associated with underground injection wells. Rules exist for the wells themselves, but not for the surface facility where the waste is received, transported, and stored. To ensure safety at all stages of the waste disposal process, it is necessary to have guidelines for the surface facilities as well.

Class I injection wells are a safe means of disposal, but the greatest risk for contamination is in surface spills, not the actual injection. There are rules in place at TCEQ that govern the wells, but nothing specifically prescriptive relating to the surface.

OPPONENTS
SAY:

This bill would add a unnecessary layer of regulation. Class I injection wells are safer than virtually all other waste disposal practices. The wastewaters must be tested prior to disposal and may only contain trace amounts of contaminants that are measured in the parts per million.