

BILL ANALYSIS

Senate Research Center

C.S.S.B. 635
By: Brown
Natural Resources
2-26-97
Committee Report (Substituted)

DIGEST

Currently, the Railroad Commission of Texas (RRC) is authorized to use the oil-field cleanup fund (fund) to control or clean up oil and gas wastes that are causing or are likely to cause pollution of surface and subsurface waters. It is unclear in the statutory language of the Natural Resources Code whether or not the fund can be used for conducting site investigations and assessments of contaminated areas by RRC or whether RRC could recover such costs from the responsible party. This bill would authorize money in the fund to be used for conducting such investigations and assessments by RRC and provide that expenditures from the fund for such use may be recovered by RRC from the responsible party.

PURPOSE

As proposed, C.S.S.B. 635 authorizes money in the oil-field cleanup fund (fund) to be used for conducting site investigations and assessments of contaminated areas by the Railroad Commission of Texas (RRC). Additionally, the bill provides that expenditures from the fund for such site investigations and assessments may be recovered by RRC from the responsible party.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 91.112 and 91.113, Natural Resources Code, as follows:

Sec. 91.112. PURPOSE OF THE FUND. Authorizes money in the oil-field cleanup fund (fund) to be used by the Railroad Commission (RRC) or its employees or agents for, among other items, conducting a site investigation or environmental assessment to determine the nature and extent of contamination caused by oil and gas wastes or other substances or materials regulated by RRC under Section 91.101, Natural Resources Code, that are causing or are likely to cause the pollution of surface or subsurface water, and the measures that should be taken to control or clean up such wastes, substances, or materials. Requires RRC to submit to the legislature, annually, a report that reviews the extent to which money, rather than funds, provided under Section 91.111, has enabled RRC to better protect the environment and enhance the income of the oil-field cleanup fund. Requires the report to include, among other items, a projection of the amount of money, rather than funds, needed for conducting site investigations and environmental assessments. Makes conforming and nonsubstantive changes.

Sec. 91.113. New heading: INVESTIGATION, ASSESSMENT, OR CLEANUP BY COMMISSION. Makes conforming and nonsubstantive changes.

SECTION 2. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Revises the proposed relating clause.

Amends SECTION 1, Sections 91.112 and 91.113, Natural Resources Code, to provide revised proposed changes to clarify that the site investigations or environmental assessments relate to the nature and extent of contamination caused by oil and gas wastes or other substances or material regulated by RRC under Section 91.101, Natural Resources Code, that cause or are likely to cause the pollution of surface or subsurface water.

Amends SECTION 2, Section 91.113, Natural Resources Code, to delete proposed changes and to provide the emergency clause and the effective date of the Act.

Deletes SECTION 3, which provided the emergency clause and no effective date.