

By: Darby

H.B. No. 1318

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of brine mining wells.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27.036, Water Code, is amended to read as follows:

Sec. 27.036. JURISDICTION OVER BRINE MINING. (a) In this section:

(1) "Brine mining" means the production of brine, including naturally occurring brine and brine extracted by the solution of a subsurface salt formation, for the purpose of extracting elements, salts, or other useful substances besides oil and gas from a subsurface formation; and

(2) "Class V brine injection well" means a well that injects spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts.

(b) The railroad commission has jurisdiction over brine mining and may issue permits for brine production wells and injection wells used for brine mining.

~~[(b) A person may not begin to drill an injection well to be used for brine mining unless that person has a valid permit for the well issued by the railroad commission under this chapter.]~~

(c) The railroad commission shall adopt rules that are necessary to administer and regulate brine mining.

(d) For purposes of regulation by the railroad commission,

1 an injection well for brine mining of brine extracted by the
2 solution of a subsurface salt formation is designated as a Class III
3 well under the underground injection control program administered
4 by the railroad commission.

5 (e) If rules or regulations adopted to govern Class V brine
6 mining injection wells under the federal Safe Drinking Water Act
7 (42 U.S.C. Section 300f et seq.) or another federal statute allow
8 this state to seek primary enforcement authority under the
9 underground injection control program, the railroad commission
10 shall seek primacy to administer and enforce the program in this
11 state for Class V brine mining injection wells [~~This section takes~~
12 ~~effect September 1, 1985~~].

13 (f) For purposes of regulation by the railroad commission, a
14 Class V brine injection well is designated as a Class V well under
15 the underground injection control program administered by the
16 railroad commission [~~This section does not invalidate any permit~~
17 ~~for an injection well used for brine mining that was issued by the~~
18 ~~Texas Water Commission before the effective date of this section.~~
19 ~~Within 90 days after the effective date of this section, the~~
20 ~~Railroad Commission of Texas shall issue a substitute permit under~~
21 ~~the name and authority of the railroad commission to each person who~~
22 ~~on the effective date of this section holds a valid permit issued by~~
23 ~~the Texas Water Commission for an injection well used for brine~~
24 ~~mining~~].

25 (g) A person may not begin to drill an injection well to be
26 used for brine mining of brine extracted by the solution of a
27 subsurface salt formation unless that person has a valid permit for

1 the well issued by the railroad commission under this section
2 ~~[Application for injection well permits covering brine mining~~
3 ~~submitted to the Texas Water Commission before the effective date~~
4 ~~of this section for which permits have not been issued by the~~
5 ~~commission shall be transmitted to the railroad commission]~~.

6 (h) On delegation to the railroad commission of primary
7 enforcement authority in this state over Class V brine injection
8 wells, a person may not begin to drill an injection well to inject
9 brine into the same formation from which it was withdrawn after
10 extraction of halogens or their salts unless that person has a valid
11 permit for the well issued by the railroad commission under this
12 section.

13 (i) This section does not invalidate any permit for an
14 injection well used for brine mining that was issued by the
15 commission before the delegation to the railroad commission of
16 primary enforcement authority in this state over Class V brine
17 injection wells. Within 90 days after the delegation of primary
18 enforcement authority over Class V brine injection wells, the
19 railroad commission shall issue a substitute permit under the name
20 and authority of the railroad commission to each person who on the
21 effective date of this section holds a valid permit issued by the
22 commission for a Class V brine injection well.

23 (j) Applications for Class V brine injection well permits
24 submitted to the commission before the delegation to the railroad
25 commission of primary enforcement authority in this state over
26 wells that inject spent brine into the same formation from which it
27 was withdrawn after extraction of halogens or their salts for which

1 permits have not been issued by the commission shall be transmitted
2 to the railroad commission.

3 SECTION 2. The text of Section 27.036, Water Code, added by
4 Acts 1985, 69th Legislature, Chapter 795, Section 5.013, is
5 repealed. This repeal shall have no effect upon the text of 27.036,
6 Water Code, added by Acts 1985, 69th Legislature, Chapter 921,
7 Section 2.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2023.