

CHAPTER 464

H.B. No. 1941

An Act relating to performance bonds required to be maintained by a person applying for or acting under a permit to store, handle, treat, reclaim, or dispose of oil and gas waste, solid waste, or hazardous waste.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 91, Natural Resources Code, is amended by adding Section 91.109 to read as follows:

Sec. 91.109. DISPOSAL SITE BOND. A person applying for or acting under a commission permit to store, handle, treat, reclaim, or dispose of oil and gas waste may be required by the commission to maintain a performance bond or other form of financial security conditioned that the permittee will operate and close the storage, handling, treatment, reclamation, or disposal site in accordance with state law, commission rules, and the permit to operate the site. However, this section does not authorize the commission to require a bond or other form of financial security for saltwater disposal pits, emergency saltwater storage pits (including blow-down pits), collecting pits, or skimming pits provided that such pits are used in conjunction with the operation of an individual oil or gas lease. Proceeds from any bond or other form of financial security required by this section shall be placed in the well plugging fund provided by Section 89.152 of this code. Each bond or other form of financial security shall be renewed and continued in effect until the conditions have been met or release is authorized by the commission.

SECTION 2. Section 4(e)(5), Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended to read as follows:

(5) Before a permit is issued, amended, extended, or renewed for a solid waste facility for disposal of hazardous waste, the state agency to which the application is submitted shall ~~may~~ require the permittee to execute a bond or give other financial assurance conditioned on the permittee's satisfactorily operating and closing the solid waste facility. A state agency may condition issuance, amendment, extension, or renewal of a permit for a solid waste facility other than a solid waste facility for disposal of hazardous waste on the permittee's executing a bond or giving other financial assurance conditioned on the permittee's satisfactorily operating and closing the solid waste facility. The state agency to which the application is submitted shall require an assurance of financial responsibility as may be necessary or desirable consistent with the degree and duration of risks associated with the processing, storage, or disposal of specified solid waste. Financial requirements established by the state agency shall at a minimum be consistent with the federal requirements established under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 U.S.C., 6901 et seq., as amended.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 15, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 1941 on May 15, 1985, by a non-record vote;

69th LEGIS—REGULAR SESSION

CH 465, SEC 2

passed by the Senate, with amendments, on May 13, 1985, by the following
vote: Yeas 30, Nays 0.

Approved: June 11, 1985

Effective: August 26, 1985