

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3098

By: Cannaday

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6 AS INTRODUCED

7 An Act relating to oil and gas; requiring an
8 applicant for certain underground injection wells to
9 submit certain information to the Corporation
10 Commission; directing the board of county
11 commissioners of certain counties to review the
12 application for certain underground injection wells;
13 requiring the board of county commissioners to
14 substantiate the impact of the proposed well on
15 county roads and bridges; allowing the applicant to
16 upgrade or pay for upgrading impacted roads and
17 bridges; prohibiting the issuance of a permit until
18 evidence of certain actions are submitted;
19 prohibiting the operation of a well until certain
20 upgrades are made; requiring the Commission to
21 provide certain notice to certain boards of county
22 commissioners; requiring responses from the board of
23 county commissioners to be filed within certain time
24 period; giving applicants the right to review by
trial de novo; providing for application of law;
requiring operators of commercial saltwater disposal
wells to maintain a log of certain substances
disposed of at the well; requiring log to be kept for
certain time period; specifying contents of the log;
requiring certain chain of custody evidence;
providing for codification; providing an effective
date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 155 of Title 52, unless there is
3 created a duplication in numbering, reads as follows:

4 A. The Corporation Commission shall require the applicant for
5 the approval of a newly drilled or newly converted underground
6 injection well, disposal well, or commercial disposal well to submit
7 as a prerequisite to approval of the application information on the
8 impact of the well on the:

9 1. Health and safety of persons residing within one (1) mile of
10 the well site; and

11 2. Road conditions and the safety for persons driving on roads
12 and bridges that are to be used to provide access to the proposed
13 well.

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 156 of Title 52, unless there is
16 created a duplication in numbering, reads as follows:

17 A. For any application submitted to the Corporation Commission
18 for a newly drilled or newly converted underground injection well,
19 disposal well, or commercial disposal well, the board of county
20 commissioners of the county in which the well is located and the
21 board of county commissioners of any county contiguous to the well,
22 whose roads and bridges are to be used to provide access to the
23 proposed well, shall review the county road classification plans as
24 described in Section 654 of Title 69 of the Oklahoma Statutes and

1 substantiate whether the county roads and bridges to be used to and
2 from the well in their respective counties may be used without any
3 substantial detriment to the roads and bridges as set forth in
4 Section 14-113 of Title 47 of the Oklahoma Statutes. If any board
5 of county commissioners finds that substantial detriment to the
6 roads and bridges in its county would occur, the board shall
7 determine reasonable measures necessary to upgrade the roads and
8 bridges and allow the applicant for a well to upgrade or pay for the
9 upgrading of the roads and bridges if the applicant receives a
10 permit from the Corporation Commission.

11 B. The Commission shall not issue a permit for any newly
12 drilled or newly converted underground injection well, disposal
13 well, or commercial disposal well unless:

14 1. Each board of county commissioners, as appropriate pursuant
15 to subsection A of this section, has substantiated by resolution
16 that the county roads and bridges as they exist can be used without
17 any substantial detriment to the roads and bridges as set forth by
18 the restrictions imposed by Section 14-113 of Title 47 of the
19 Oklahoma Statutes; or

20 2. The applicant has agreed to upgrade or pay for the upgrading
21 of the roads and bridges to a reasonable measure as determined by
22 the appropriate board of county commissioners or to the design
23 standards established by the Department of Transportation for
24 industrial access roads.

1 C. The Commission shall not authorize the operation of the well
2 until the necessary upgrades to the roads and bridges have been
3 made.

4 D. The Commission shall notify the applicable boards of county
5 commissioners by certified mail, return receipt requested, of the
6 proposed underground injection well, disposal well, or commercial
7 disposal well. The boards of county commissioners shall have forty-
8 five (45) days from receipt of the notice to review the county road
9 classification plan and respond to the Commission. The finding of
10 each board of county commissioners shall be sent to the Commission
11 by certified mail, return receipt requested. Failure to respond
12 within the forty-five-day response period shall constitute a finding
13 that the roads and bridges can be used without substantial detriment
14 and preclude the board of county commissioners failing to respond
15 from raising the suitability of use of roads and bridges of the
16 county as set out in subsections A and B of this section at a later
17 date.

18 E. Any applicant for a permit aggrieved by the action of the
19 board of county commissioners pursuant to this subsection shall have
20 the right of review by trial de novo in the district court of the
21 county where the board of county commissioners took the action.

22 F. The provisions of this subsection shall apply to any
23 application submitted to the Commission on or after July 1, 2010,
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1 and to any application submitted before July 1, 2010, for which a
2 permit has not been issued.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 157 of Title 52, unless there is
5 created a duplication in numbering, reads as follows:

6 The Corporation Commission shall require the operator of a
7 commercial saltwater disposal well to keep and make available upon
8 request of the Commission a log of all loads of deleterious
9 substances disposed at the well. The log shall be kept on file for
10 a period of at least five (5) years. The log of record shall
11 include at a minimum, the amount, the location of the source, and
12 the operator or owner of the source of the deleterious substance.
13 The operator shall also require the hauler of the deleterious
14 substance to submit evidence of the chain of custody of the
15 deleterious substance. The chain of custody evidence shall be
16 included in the log of record.

17 SECTION 4. This act shall become effective July 1, 2010.

18 SECTION 5. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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