

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1802

By: Hardin of the House

and

Simpson of the Senate

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10                                   COMMITTEE SUBSTITUTE

11           An Act relating to oil and gas; requiring an  
12           applicant for certain commercial injection wells to  
13           submit certain information to the Corporation  
14           Commission; directing the Corporation Commission to  
15           adopt minimum standards for certain roads and  
16           bridges; specifying criteria for the standards;  
17           requiring the Commission to substantiate the impact  
18           of the proposed well on roads and bridges; allowing  
19           the applicant to upgrade or pay for upgrading  
20           impacted roads and bridges; prohibiting the issuance  
21           of a permit until evidence of meeting the minimum  
22           standards or certain actions are submitted;  
23           prohibiting the operation of a well until certain  
24           upgrades are made; requiring the Commission to  
          provide certain notice to the Department of  
          Transportation and certain boards of county  
          commissioners; requiring responses from the  
          Department and the board of county commissioners to  
          be filed within certain time period; providing for  
          revisions to certain plans; providing for application  
          of law; 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 commercial injection or disposal well to submit as a prerequisite to  
7 approval of the application:

8 1. Information on the impact of the well on the road conditions  
9 and the safety for persons driving on roads and bridges that are to  
10 be used to provide access to the proposed well; and

11 2. Evidence of the condition of the roads and bridges that are  
12 to be used to provide access to the proposed well which can be used  
13 to determine whether the roads and bridges either meet or do not  
14 meet the minimum standards adopted by the Commission as provided for  
15 in subsection B of this section.

16 B. The Commission shall adopt minimum standards for state and  
17 county roads and bridges that are to be used to provide access to  
18 the underground commercial injection or disposal wells. The minimum  
19 standards shall ensure that the roads and bridges can be used  
20 without any substantial detriment to the roads and bridges as set  
21 forth in Section 14-113 of title 47 of the Oklahoma Statutes and  
22 that the health and safety of persons driving on the roads and  
23 bridges will be protected.

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1 C. For any application submitted to the Corporation Commission  
2 for a newly drilled or newly converted commercial injection or  
3 disposal well, the Commission shall review the evidence submitted by  
4 the applicant regarding the state roads and the county roads of the  
5 county in which the well is located and any county contiguous to the  
6 well, whose roads and bridges are to be used to provide access to  
7 the proposed well and substantiate whether the state and county  
8 roads and bridges to be used to and from the well meet the minimum  
9 standards adopted by the Commission pursuant to subsection B of this  
10 section. If the Commission finds that the roads and bridges do not  
11 meet the minimum standards, the Commission shall determine  
12 reasonable measures necessary to upgrade the roads and bridges and  
13 allow the applicant for the well to upgrade or pay for the upgrading  
14 of the roads and bridges prior to the applicant receiving a permit  
15 from the Commission.

16 D. The Commission shall not issue a permit for any newly  
17 drilled or newly converted commercial injection or disposal well  
18 unless:

19 1. The Commission has substantiated that the state and county  
20 roads and bridges as they exist meet the minimum standards and can  
21 be used without any substantial detriment to the roads and bridges  
22 as set forth by the restrictions imposed by Section 14-113 of Title  
23 47 of the Oklahoma Statutes; or

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1           2. The applicant has agreed to upgrade or pay for the upgrading  
2 of the roads and bridges to a reasonable measure as determined by  
3 the Commission in order to meet the minimum standards or to meet the  
4 design standards established by the Department of Transportation for  
5 industrial access roads.

6           E. The Commission shall not authorize the operation of the well  
7 until the necessary upgrades to the roads and bridges have been  
8 made.

9           F. The Commission shall notify the Department of Transportation  
10 and the applicable boards of county commissioners by certified mail,  
11 return receipt requested, of the proposed commercial injection or  
12 disposal well and any plan for the applicant to upgrade or pay for  
13 the upgrading of the roads and bridges. The Department and boards  
14 of county commissioners shall have forty-five (45) days from receipt  
15 of the notice to review the plan for the upgrades and respond to the  
16 Commission. If the Department or boards of county commissioners  
17 disapprove of the plan, the Commission shall work with the  
18 Department or boards to revise the plan.

19           G. The provisions of this section shall apply to any  
20 application submitted to the Commission on or after July 1, 2016,  
21 and to any application submitted before July 1, 2016, for which a  
22 permit has not been issued.

23           SECTION 2. This act shall become effective July 1, 2016.  
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1       SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
7 dated 02/24/2016 - DO PASS, As Amended and Coauthored.  
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