

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 1802

By: Hardin

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to oil and gas; requiring an  
9 applicant for certain commercial injection wells to  
10 submit certain information to the Corporation  
11 Commission; directing the Corporation Commission to  
12 adopt minimum standards for certain roads and  
13 bridges; specifying criteria for the standards;  
14 requiring the Commission to substantiate the impact  
15 of the proposed well on roads and bridges; allowing  
16 the applicant to upgrade or pay for upgrading  
17 impacted roads and bridges; prohibiting the issuance  
18 of a permit until evidence of meeting the minimum  
19 standards or certain actions are submitted;  
20 prohibiting the operation of a well until certain  
21 upgrades are made; requiring the Commission to  
22 provide certain notice to the Department of  
23 Transportation and certain boards of county  
24 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:

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

1       A. The Corporation Commission shall require the applicant for  
2 the approval of a newly drilled or newly converted underground  
3 commercial injection or disposal well to submit as a prerequisite to  
4 approval of the application:

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

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

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

21       C. For any application submitted to the Corporation Commission  
22 for a newly drilled or newly converted commercial injection or  
23 disposal well, the Commission shall review the evidence submitted by  
24 the applicant regarding the state roads and the county roads of the

1 county in which the well is located and any county contiguous to the  
2 well, whose roads and bridges are to be used to provide access to  
3 the proposed well and substantiate whether the state and county  
4 roads and bridges to be used to and from the well meet the minimum  
5 standards adopted by the Commission pursuant to subsection B of this  
6 section. If the Commission finds that the roads and bridges do not  
7 meet the minimum standards, the Commission shall determine  
8 reasonable measures necessary to upgrade the roads and bridges and  
9 allow the applicant for the well to upgrade or pay for the upgrading  
10 of the roads and bridges prior to the applicant receiving a permit  
11 from the Commission.

12 D. The Commission shall not issue a permit for any newly  
13 drilled or newly converted commercial injection or disposal well  
14 unless:

15 1. The Commission has substantiated that the state and county  
16 roads and bridges as they exist meet the minimum standards and can  
17 be used without any substantial detriment to the roads and bridges  
18 as set forth by the restrictions imposed by Section 14-113 of Title  
19 47 of the 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 Commission in order to meet the minimum standards or to meet the  
23 design standards established by the Department of Transportation for  
24 industrial access roads.

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

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

18 SECTION 2. This act shall become effective July 1, 2016.

19 SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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