

By: West

H.B. No. 2982

Substitute the following for H.B. No. 2982:

By: Gonzalez Toureilles

C.S.H.B. No. 2982

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the transfer of the regulation of injection wells used
3 for in situ uranium mining or for the disposal of waste from in situ
4 uranium mining from the Texas Commission on Environmental Quality
5 to the Railroad Commission of Texas.

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

7 SECTION 1. Section 27.002(12), Water Code, is amended to
8 read as follows:

9 (12) "Extraction of minerals" means the use of an
10 injection well for the development or recovery of natural resources
11 other than resources subject to the jurisdiction of the railroad
12 commission, and includes solution mining of minerals [~~in situ~~
13 ~~uranium mining,~~] and mining of sulfur by the Frasch process, but
14 does not include the solution mining of salt when leaching a cavern
15 for the storage of hydrocarbons.

16 SECTION 2. The heading to Subchapter C, Chapter 27, Water
17 Code, is amended to read as follows:

18 SUBCHAPTER C. JURISDICTION OF RAILROAD COMMISSION [~~OIL AND GAS~~
19 ~~WASTE~~]

20 SECTION 3. Section 27.033, Water Code, is amended to read as
21 follows:

22 Sec. 27.033. LETTER FROM EXECUTIVE DIRECTOR. A person
23 making application to the railroad commission for a permit under
24 this chapter shall submit with the application a letter from the

1 executive director stating that drilling and using the disposal
2 well and injecting oil and gas waste or waste from in situ uranium
3 mining into the subsurface stratum will not endanger the freshwater
4 strata in that area and that the formation or stratum to be used for
5 the disposal is not freshwater sand.

6 SECTION 4. Subchapter C, Chapter 27, Water Code, is amended
7 by adding Sections 27.037 and 27.038 to read as follows:

8 Sec. 27.037. JURISDICTION OVER IN SITU URANIUM MINING. (a)

9 The railroad commission has jurisdiction over in situ uranium
10 mining and may issue permits for injection wells used for in situ
11 uranium mining and injection wells used for the disposal of waste
12 from in situ uranium mining.

13 (b) A person may not begin to drill an injection well to be
14 used for in situ uranium mining or for the disposal of waste from in
15 situ uranium mining unless that person holds a permit for the well
16 issued by the railroad commission under this chapter.

17 (c) The railroad commission shall adopt rules that are
18 necessary to administer and regulate in situ uranium mining and
19 injection wells used for the disposal of waste from in situ uranium
20 mining.

21 (d) For purposes of regulation by the railroad commission:

22 (1) an injection well used for in situ uranium mining
23 is designated as a Class III well under the underground injection
24 control program administered by the railroad commission; and

25 (2) an injection well used for the disposal of waste
26 from in situ uranium mining is designated as a Class I injection
27 well under the underground injection control program administered

1 by the railroad commission.

2 Sec. 27.038. AUTHORIZATION FOR AREA-WIDE IN SITU MINING OF
3 RADIOACTIVE SUBSTANCES. (a) As a component of an injection well
4 permit, the railroad commission may issue an authorization for in
5 situ mining of radioactive substances in a specified production
6 area. The authorization may require additional administrative
7 approval of the railroad commission but may not require an
8 additional hearing for the permit holder to conduct in situ mining
9 in the production area.

10 (b) Except as an exercise of authority under Subsection (c),
11 on and after September 1, 2005, a rule or order of the railroad
12 commission that requires an additional hearing for the permit
13 holder to conduct in situ mining in the production area specified in
14 an injection well permit is void.

15 (c) Notwithstanding Subsections (a) and (b), this section
16 does not affect the authority of the railroad commission to:

17 (1) revoke, suspend, or amend a permit issued under
18 this chapter;

19 (2) investigate a permit holder or an action taken
20 under or in violation of a permit issued under this chapter; or

21 (3) enforce a provision of a permit issued under this
22 chapter.

23 SECTION 5. (a) On the effective date of this Act:

24 (1) all functions and activities performed by the
25 Texas Commission on Environmental Quality that relate to the
26 regulation of injection wells used for in situ uranium mining or for
27 the disposal of waste from in situ uranium mining under Chapter 27,

1 Water Code, are transferred to the Railroad Commission of Texas;

2 (2) all employees of the Texas Commission on
3 Environmental Quality who primarily perform duties related to the
4 regulation of injection wells used for in situ uranium mining or for
5 the disposal of waste from in situ uranium mining under Chapter 27,
6 Water Code, become employees of the Railroad Commission of Texas;

7 (3) a rule, standard, or form adopted by the Texas
8 Commission on Environmental Quality that is related to the
9 regulation of injection wells used for in situ uranium mining or for
10 the disposal of waste from in situ uranium mining under Chapter 27,
11 Water Code, is a rule, standard, or form of the Railroad Commission
12 of Texas and remains in effect until altered by the railroad
13 commission;

14 (4) a proceeding involving the Texas Commission on
15 Environmental Quality that is related to the regulation of
16 injection wells used for in situ uranium mining or for the disposal
17 of waste from in situ uranium mining under Chapter 27, Water Code,
18 is transferred without change in status to the Railroad Commission
19 of Texas, and the railroad commission assumes, without change in
20 status, the position of the Texas Commission on Environmental
21 Quality in any proceeding relating to the regulation of injection
22 wells used for in situ uranium mining or for the disposal of waste
23 from in situ uranium mining to which the Texas Commission on
24 Environmental Quality is a party;

25 (5) all money, contracts, leases, rights, and
26 obligations of the Texas Commission on Environmental Quality
27 related to injection wells used for in situ uranium mining or for

1 the disposal of waste from in situ uranium mining under Chapter 27,
2 Water Code, are transferred to the Railroad Commission of Texas;

3 (6) all property, including records, in the custody of
4 the Texas Commission on Environmental Quality related to the
5 regulation of injection wells used for in situ uranium mining or for
6 the disposal of waste from in situ uranium mining under Chapter 27,
7 Water Code, is transferred to the Railroad Commission of Texas; and

8 (7) all money appropriated to the Texas Commission on
9 Environmental Quality for purposes related to the regulation of
10 injection wells used for in situ uranium mining or for the disposal
11 of waste from in situ uranium mining under Chapter 27, Water Code,
12 is transferred to the Railroad Commission of Texas.

13 (b) This Act does not invalidate a permit for an injection
14 well used for in situ uranium mining or for the disposal of waste
15 from in situ uranium mining that was issued by the Texas Commission
16 on Environmental Quality before the effective date of this Act. The
17 Railroad Commission of Texas shall issue a substitute permit under
18 the name and authority of the railroad commission to each person who
19 on the effective date of this Act holds a permit issued by the Texas
20 Commission on Environmental Quality for an injection well used for
21 in situ uranium mining or for the disposal of waste from in situ
22 uranium mining. A permit for an injection well used for in situ
23 uranium mining or for the disposal of waste from in situ uranium
24 mining that was issued by the Texas Commission on Environmental
25 Quality before the effective date of this Act remains in effect
26 until the permit holder receives a substitute permit issued by the
27 Railroad Commission of Texas.

1 (c) A person who submitted an application to the Texas
2 Commission on Environmental Quality for a permit for an injection
3 well used for in situ uranium mining or for the disposal of waste
4 from in situ uranium mining that is pending on the effective date of
5 this Act may withdraw the application without prejudice and, on or
6 after the effective date of this Act, refile the application with
7 the Railroad Commission of Texas.

8 SECTION 6. This Act takes effect September 1, 2005.