

By: West

H.B. No. 2982

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of the regulation of injection wells used
3 for in situ uranium mining from the Texas Commission on
4 Environmental Quality to the Railroad Commission of Texas.

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

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

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

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

17 SUBCHAPTER C. JURISDICTION OF RAILROAD COMMISSION

18 [~~OIL AND GAS WASTE~~]

19 SECTION 3. Subchapter C, Chapter 27, Water Code, is amended
20 by adding Section 27.037 to read as follows:

21 Sec. 27.037. JURISDICTION OVER IN SITU URANIUM MINING. (a)
22 The railroad commission has jurisdiction over in situ uranium
23 mining and may issue permits for injection wells used for in situ
24 uranium mining.

1 (b) A person may not begin to drill an injection well to be
2 used for in situ uranium mining unless that person holds a permit
3 for the well issued by the railroad commission under this chapter.

4 (c) The railroad commission shall adopt rules that are
5 necessary to administer and regulate in situ uranium mining.

6 (d) For purposes of regulation by the railroad commission,
7 an injection well used for in situ uranium mining is designated as a
8 Class III well under the underground injection control program
9 administered by the railroad commission.

10 SECTION 4. (a) On the effective date of this Act:

11 (1) all functions and activities performed by the
12 Texas Commission on Environmental Quality that relate to the
13 regulation of injection wells used for in situ uranium mining under
14 Chapter 27, Water Code, are transferred to the Railroad Commission
15 of Texas;

16 (2) all employees of the Texas Commission on
17 Environmental Quality who primarily perform duties related to the
18 regulation of injection wells used for in situ uranium mining under
19 Chapter 27, Water Code, become employees of the Railroad Commission
20 of Texas;

21 (3) a rule, standard, or form adopted by the Texas
22 Commission on Environmental Quality that is related to the
23 regulation of injection wells used for in situ uranium mining under
24 Chapter 27, Water Code, is a rule, standard, or form of the Railroad
25 Commission of Texas and remains in effect until altered by the
26 railroad commission;

27 (4) a proceeding involving the Texas Commission on

1 Environmental Quality that is related to the regulation of
2 injection wells used for in situ uranium mining under Chapter 27,
3 Water Code, is transferred without change in status to the Railroad
4 Commission of Texas, and the railroad commission assumes, without
5 change in status, the position of the Texas Commission on
6 Environmental Quality in any proceeding relating to the regulation
7 of injection wells used for in situ uranium mining to which the
8 Texas Commission on Environmental Quality is a party;

9 (5) all money, contracts, leases, rights, and
10 obligations of the Texas Commission on Environmental Quality
11 related to injection wells used for in situ uranium mining under
12 Chapter 27, Water Code, are transferred to the Railroad Commission
13 of Texas;

14 (6) all property, including records, in the custody of
15 the Texas Commission on Environmental Quality related to the
16 regulation of injection wells used for in situ uranium mining under
17 Chapter 27, Water Code, is transferred to the Railroad Commission
18 of Texas; and

19 (7) all money appropriated to the Texas Commission on
20 Environmental Quality for purposes related to the regulation of
21 injection wells used for in situ uranium mining under Chapter 27,
22 Water Code, is transferred to the Railroad Commission of Texas.

23 (b) This Act does not invalidate a permit for an injection
24 well used for in situ uranium mining that was issued by the Texas
25 Commission on Environmental Quality before the effective date of
26 this Act. The Railroad Commission of Texas shall issue a substitute
27 permit under the name and authority of the railroad commission to

1 each person who on the effective date of this Act holds a permit
2 issued by the Texas Commission on Environmental Quality for an
3 injection well used for in situ uranium mining. A permit for an
4 injection well used for in situ uranium mining that was issued by
5 the Texas Commission on Environmental Quality before the effective
6 date of this Act remains in effect until the permit holder receives
7 a substitute permit issued by the Railroad Commission of Texas.

8 SECTION 5. This Act takes effect September 1, 2005.