

Amend SB 1604 on page 23 by striking lines 13-21 and substitute the following:

(d) Notwithstanding Sections 5.551, 5.556, 27.011, and 28.018, an application for an authorization submitted after September 1, 2007, is an uncontested matter not subject to a contested case hearing or the hearing requirements of Chapter 2001, Government Code, unless the authorization seeks any of the following:

(1) the initial establishment or amendment to the restoration table or levels that would apply to any area covered by the authorization; or,

(2) the initial establishment or amendment to the establishment of monitoring wells for any area covered by the authorization, including the location, number, depth, spacing, and design of the monitoring wells or clusters of monitoring wells use for the detection of excursions or releases of contaminants from the mine area; or,

(3) the initial establishment or amendment to the type or amount or restoration bond required for the area covered by the authorization to assure that there are sufficient funds available to the state for restoration of the groundwater in the area by a third-party restorer, should the permittee seek bankruptcy protection or otherwise not be available to restore the groundwater.

(e) An application seeking approval under (d)(1)-(d)(3) is subject to the public notice and contested hearing requirements provided in Section 27.018, Water Code.