

AN ACT

relating to regulation of injection wells used for in situ uranium recovery by the Texas Commission on Environmental Quality.

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

SECTION 1. Section 27.002, Water Code, is amended by amending Subdivisions (1) and (2) and adding Subdivisions (16), (17), and (18) to read as follows:

(1) "Commission" means the Texas Commission on Environmental Quality [~~Natural Resource Conservation Commission~~].

(2) "Executive director" means the executive director of the commission [~~Texas Natural Resource Conservation Commission~~].

(16) "Production well" means a well used to recover uranium through in situ solution recovery, including an injection well used to recover uranium. The term does not include a well used to inject waste.

(17) "Monitoring well" means a well that is used to measure or monitor the level, quality, quantity, or movement of subsurface water.

(18) "Area permit" means a permit that authorizes the construction and operation of production and monitoring wells used in operations and restoration associated with in situ recovery of uranium.

SECTION 2. Subchapter B, Chapter 27, Water Code, is amended

by adding Sections 27.023 and 27.024 to read as follows:

Sec. 27.023. JURISDICTION OVER IN SITU URANIUM APPLICATION DEVELOPMENT AND OPERATIONS. (a) The commission has exclusive jurisdiction over and shall regulate wells used during the development of permit applications to obtain required premining geologic, hydrologic, and water quality information.

(b) The commission shall require a well described by Subsection (a) to be registered with the commission. A well described by Subsection (a) is not subject to the commission's permitting, notice, and hearing requirements.

(c) If a well described by Subsection (a) is included in an area permit issued by the commission:

(1) the registration status of the well ceases; and

(2) the well is subject to all rules applicable to the area permit, including notice and hearing requirements.

Sec. 27.024. SHARING OF GEOLOGIC, HYDROLOGIC, AND WATER QUALITY DATA. (a) After a person developing an application for an area permit for an area located in a groundwater conservation district has identified a permit boundary, the person shall provide to that district:

(1) information regarding wells encountered by that person during the development of the area permit application that are not recorded in the public record;

(2) a map showing the locations of wells that are located within one-quarter mile of the location for the proposed permit and that are recorded in the public record;

(3) premining water quality information collected

1 from wells described by Section 27.023(a);

2 (4) on a monthly basis, the amount of water produced  
3 from the wells described by Section 27.023(a); and

4 (5) a record of strata as described by Section 27.053,  
5 except confidential information described by Section 131.048,  
6 Natural Resources Code.

7 (b) A person may take not more than 90 days after the person  
8 receives the final information described by Subsection (a) to  
9 perform standard quality control and quality assurance procedures  
10 before the person submits the information to the groundwater  
11 conservation district.

12 SECTION 3. Section 27.053, Water Code, is amended to read as  
13 follows:

14 Sec. 27.053. RECORD OF STRATA. The commission or railroad  
15 commission may require a person receiving a permit or authorization  
16 by rule under this chapter to keep and furnish a complete and  
17 accurate record of the depth, thickness, and character of the  
18 different strata penetrated in drilling an [the] injection well,  
19 monitoring well, or production well.

20 SECTION 4. Section 27.054, Water Code, is amended to read as  
21 follows:

22 Sec. 27.054. ELECTRIC OR DRILLING LOG. If an existing well  
23 is to be converted to an injection well, monitoring well, or  
24 production well, the commission or railroad commission may require  
25 the applicant to furnish an electric log or a drilling log of the  
26 existing well.

27 SECTION 5. Section 27.071, Water Code, is amended to read as

1 follows:

2       Sec. 27.071. POWER TO ENTER PROPERTY. Members of the  
3 commission and the railroad commission and employees of the  
4 commission and the railroad commission may enter public or private  
5 property to inspect and investigate conditions relating to  
6 injection well, monitoring well, [~~or~~] disposal well, or production  
7 well activities within their respective jurisdictions or to monitor  
8 compliance with a rule, permit, or other order of the commission or  
9 railroad commission. Members or employees acting under the  
10 authority of this section who enter an establishment on public or  
11 private property shall observe the establishment's safety,  
12 internal security, and fire protection rules.

13       SECTION 6. Section 27.072, Water Code, is amended to read as  
14 follows:

15       Sec. 27.072. POWER TO EXAMINE RECORDS. Members of the  
16 commission and the railroad commission and employees of the  
17 commission and railroad commission may examine and copy those  
18 records or memoranda of a business they are investigating as  
19 provided by Section 27.071 of this code that relate to the operation  
20 of an injection well, monitoring well, [~~or~~] disposal well, or  
21 production well, or any other records required to be maintained by  
22 law.

23       SECTION 7. Section 27.073, Water Code, is amended by adding  
24 Subsection (a-1) to read as follows:

25       (a-1) Notwithstanding Subsection (a), a person to whom an in  
26 situ uranium mining injection well, monitoring well, or production  
27 well permit is issued shall be required by the commission to

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1 maintain a performance bond or other form of financial security to  
2 ensure that an abandoned well is properly plugged.

3       SECTION 8.   This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3838 was passed by the House on May 11, 2007, by the following vote: Yeas 137, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3838 on May 26, 2007, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3838 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor