

By: Gonzalez Toureilles, Hardcastle, Chisum H.B. No. 3838
(Senate Sponsor - Hegar)
(In the Senate - Received from the House May 14, 2007;
May 15, 2007, read first time and referred to Committee on Natural
Resources; May 21, 2007, reported adversely, with favorable
Committee Substitute by the following vote: Yeas 11, Nays 0;
May 21, 2007, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 3838 By: Hegar

A BILL TO BE ENTITLED
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
from wells described by Section 27.023(a);

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

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

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

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

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

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

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

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

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

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

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

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

(a-1) Notwithstanding Subsection (a), a person to whom an in situ uranium mining injection well, monitoring well, or production well permit is issued shall be required by the commission to maintain a performance bond or other form of financial security to ensure that an abandoned well is properly plugged.

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

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