

House Bill 3838
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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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

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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. Sections 27.051(a) and (b), Water Code, are amended to read as follows:

(a) The commission may grant an application in whole or part and may issue the permit if it finds:

(1) that the use or installation of the injection well is in the public interest;

(2) that no existing rights, including, but not limited to, mineral rights, will be impaired;

(3) that, with proper safeguards, both ground and surface fresh water can be adequately protected from pollution;

(4) that the applicant has made a satisfactory showing of financial responsibility as [if] required by Section 27.073 [of this code];

(5) that the applicant has provided for the proper operation of the proposed hazardous waste injection well;

(6) that the applicant for a hazardous waste injection well not located in an area of industrial land use has made a reasonable effort to ensure that the burden, if any, imposed by the proposed hazardous waste injection well on local law enforcement, emergency medical or fire-fighting personnel, or public roadways, will be

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reasonably minimized or mitigated; and

(7) that the applicant owns or has made a good faith claim to, or has the consent of the owner to utilize, or has an option to acquire, or has the authority to acquire through eminent domain, the property or portions of the property where the hazardous waste injection well will be constructed.

(b) The railroad commission may grant an application in whole or part and may issue the permit if it finds:

(1) that the use or installation of the injection well is in the public interest;

(2) that the use or installation of the injection well will not endanger or injure any oil, gas, or other mineral formation;

(3) that, with proper safeguards, both ground and surface fresh water can be adequately protected from pollution; and

(4) that the applicant has made a satisfactory showing of financial responsibility as ~~[if]~~ required by Section 27.073 ~~[of this code]~~.

SECTION 4. 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

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production well.

SECTION 5. 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 6. Section 27.071, Water Code, is amended to read as follows:

Sec. 27.071. POWER TO ENTER PROPERTY. (a) 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, [Ø] 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.

(b) The railroad commission by rule shall provide that before a member or employee of the railroad commission enters public or private property under the authority of Subsection (a) that is located in a groundwater conservation district, a representative from the district must be invited to accompany the member or employee.

(c) Members, [Ø] employees, or representatives acting

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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, [Ø] 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

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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 7. 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 8. Section 27.073(a), Water Code, is amended to read as follows:

(a) A person to whom an injection well, monitoring well, or production well permit is issued shall [may] be required by the commission or railroad commission to maintain a performance bond or other form of financial security to ensure that an abandoned well is properly plugged.

SECTION 9. This Act takes effect September 1, 2007.

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section who enter an establishment on public or private property shall observe the establishment's safety, internal security, and fire protection rules.

SECTION 6. Same as House version.

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. Same as House version.

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