

By: Hancock

H.B. No. 3163

A BILL TO BE ENTITLED

AN ACT

1
2 relating to responsibilities of the Texas Commission on
3 Environmental Quality and Production Area Authorizations.

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

5 SECTION 1. Section 27.0513, Water Code, is amended as
6 follows:

7 (d) Notwithstanding Sections 5.551, 5.556, 27.011, and
8 27.018, an application for an authorization submitted after
9 September 1, 2007, is an uncontested matter not subject to a
10 contested case hearing or the hearing requirements of Chapter 2001,
11 Government Code, ~~unless the authorization seeks any of the~~
12 ~~following:~~

13 ~~(1) an amendment to a restoration table value;~~

14 ~~(2) the initial establishment of monitoring wells for~~
15 ~~any area covered by the authorization, including the location,~~
16 ~~number, depth, spacing, and design of the monitoring wells, unless~~
17 ~~the executive director uses the recommendation of an independent~~
18 ~~third-party expert chosen by the commission; or~~

19 ~~(3) an amendment to the type or amount of bond required~~
20 ~~for groundwater restoration or by Section 27.073 to assure that~~
21 ~~there are sufficient funds available to the state for groundwater~~
22 ~~restoration or the plugging of abandoned wells in the area by a~~
23 ~~third-party contractor.~~

24 (e) The executive director may use an independent

1 third-party expert if:

2 (1) the expert meets the qualifications set by
3 commission rules for such experts;

4 (2) the applicant for the authorization agrees to pay
5 the costs for the work of the expert; and

6 (3) the applicant for the authorization is not
7 involved in the selection of the expert or the direction of the work
8 of the expert.

9 ~~(f) An application seeking approval under Subsections~~
10 ~~(d)(1)-(3) is subject to the public notice and contested hearing~~
11 ~~requirements provided in Section 27.018.~~

12 SECTION 2. EFFECTIVE DATE. This Act takes effect
13 immediately if it receives a vote of two-thirds of all the members
14 elected to each house, as provided by Section 39, Article III, Texas
15 Constitution. If this Act does not receive the vote necessary for
16 immediate effect, this Act takes effect September 1, 2011.