

BILL ANALYSIS

C.S.H.B. 4119
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current regulations governing uranium mining permits are convoluted and repetitive. Uranium mining has been a historic industry in Texas and has great potential for future growth. However, time-consuming and ultimately unproductive public hearings and a convoluted regulatory process may discourage new efforts to expand uranium mining. Clear and commonsense guidelines will help to facilitate new expansion of uranium mining and help bring more jobs to rural Texas. C.S.H.B. 4119 seeks to address this issue and simplify uranium mining regulation by repealing repetitive provisions and making certain applications for amendments to mining authorizations an uncontested matter.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4119 amends the Water Code, with respect to a provision that makes an application for an authorization that allows the holder of an injection well permit for the mining of uranium to conduct mining and restoration activities in production zones within the boundary established in the permit an uncontested matter not subject to a contested case hearing or the hearing requirements of the Administrative Procedure Act under certain conditions, to also make an application for an amendment to an authorization that allows the permit holder to conduct mining and restoration activities in production zones within the boundary established in the permit an uncontested matter in the same manner. With regard to the condition that the authorization be for a production zone located within the boundary of a permit that incorporates a range table of groundwater quality restoration values used to measure groundwater restoration by the Texas Commission on Environmental Quality (TCEQ), the bill specifies that the incorporation is for each production zone addressed in the application. With regard to the condition that the application include groundwater quality restoration values falling at or below the upper limit of such a range, the bill specifies that the inclusion of the values is for each production zone addressed in the application.

C.S.H.B. 4119 repeals a provision that subjects, as an alternative to the provision that makes an application for an authorization an uncontested matter not subject to a contested case hearing or the hearing requirements of the act under certain conditions, the first application for an authorization for a production zone located within the boundary of a permit to the requirements of the act relating to an opportunity for a contested case hearing. The bill also repeals provisions

establishing that a subsequent authorization application for a production zone that is located within the same permit boundary as a production zone for which an authorization was issued with respect to the first application is not subject to an opportunity for a contested case hearing or the hearing requirements of the act unless the subsequent application would authorize the following:

- the use of groundwater from a well that was not previously approved in the permit for supplemental production water;
- expansion of the permit boundary; or
- application monitoring well locations that exceed well spacing requirements or reduce the number of wells required by TCEQ rule.

C.S.H.B. 4119 applies only to an application for an authorization or an amendment to an authorization that is submitted to the TCEQ on or after the bill's effective date.

C.S.H.B. 4119 repeals Sections 27.0513(f) and (g), Water Code.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4119 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute revise the provision that makes an application for an authorization that allows the holder of an injection well permit for the mining of uranium to conduct mining and restoration activities in production zones within the boundary established in the permit an uncontested matter not subject to a contested case hearing or the hearing requirements of the Administrative Procedure Act under certain conditions, the substitute includes specifications absent from the introduced that the conditions take into certain account each production zone addressed in an application, and the introduced removed the conditions altogether and made an application an uncontested matter unless the application or amendment to the authorization would authorize the following:

- the use of groundwater from a well that was not previously approved in the permit for supplemental production water;
- expansion of the permit boundary; or
- application monitoring well locations that exceed well spacing requirements or reduce the number of wells required by TCEQ rule.

The substitute omits a provision present in the introduced that, with respect to a restoration table value for a proposed or amended authorization that exceeds the range listed in the permit range table such that it falls above the upper limit of the range, removed the option for a major amendment to the permit range table to be obtained.