

By: Guillen

H.B. No. 4119

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedural requirements for uranium mining production
3 area authorizations.

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

5 SECTION 1. Sections 27.0513(c) and (d), Water Code, are
6 amended to read as follows:

7 (c) The commission may issue a holder of a permit issued
8 pursuant to Section 27.011 for mining of uranium an authorization
9 that allows the permit holder to conduct mining and restoration
10 activities in production zones within the boundary established in
11 the permit. The commission by rule shall establish application
12 requirements, technical requirements, including the methods for
13 determining restoration table values, and procedural requirements
14 for any authorization. If a restoration table value for a proposed
15 or amended authorization exceeds the range listed in the permit
16 range table such that it falls above the upper limit of the range,
17 the value within the permit range table must be used [~~or a major~~
18 ~~amendment to the permit range table must be obtained, subject to an~~
19 ~~opportunity for a contested case hearing or the hearing~~
20 ~~requirements of Chapter 2001, Government Code].~~

21 (d) Notwithstanding Sections 5.551, 5.556, 27.011, and
22 27.018, an application for an authorization or an amendment to an
23 authorization that allows the permit holder to conduct mining and
24 restoration activities in production zones within the boundary

1 established in the permit is an uncontested matter not subject to a
2 contested case hearing or the hearing requirements of Chapter 2001,
3 Government Code, unless the application or amendment would
4 authorize [~~if~~]:

5 (1) the use of groundwater from a well that was not
6 previously approved in the permit for supplemental production water
7 [~~authorization is for a production zone located within the boundary~~
8 ~~of a permit that incorporates a range table of groundwater quality~~
9 ~~restoration values used to measure groundwater restoration by the~~
10 ~~commission~~];

11 (2) expansion of the permit boundary [~~the application~~
12 ~~includes groundwater quality restoration values falling at or below~~
13 ~~the upper limit of the range established in Subdivision (1)]]; or
14 [~~and~~]~~

15 (3) application monitoring well locations that exceed
16 well spacing requirements or reduce the number of wells required by
17 commission rule [~~the authorization is for a production zone located~~
18 ~~within the boundary of a permit that incorporates groundwater~~
19 ~~baseline characteristics of the wells for the application required~~
20 ~~by commission rule~~].

21 SECTION 2. Sections 27.0513(e), (f), and (g), Water Code,
22 are repealed.

23 SECTION 3. The change in law made by this Act applies only
24 to an application for an authorization that is submitted to the
25 Texas Commission on Environmental Quality on or after the effective
26 date of this Act. An application for an authorization that was
27 submitted to the commission before the effective date of this Act is

H.B. No. 4119

1 governed by the law in effect at the time the application was
2 submitted, and the former law is continued in effect for that
3 purpose.

4 SECTION 4. This Act takes effect September 1, 2023.