

BILL ANALYSIS

C.S.S.B. 1061
By: Parker
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that there is a substantial amount of uranium resources located in South Texas and that uranium mining has occurred in Texas for decades. The bill sponsor has also informed the committee that, with the increased emphasis on nuclear power in the United States, uranium serves as a crucial source of fuel for the nuclear power infrastructure in Texas and the United States and that there is a need for clarity in the regulatory process for uranium mining in Texas. C.S.S.B. 1061 seeks to establish the regulatory certainty that is needed in the permitting process for uranium recovery and mining at the Texas Commission on Environmental Quality, particularly for the permitting of production area authorizations. The bill also seeks to provide for certain prioritization of the conservation of regional groundwater water supplies.

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.S.B. 1061 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to prioritize the conservation of regional groundwater water supplies when reviewing an application to amend a restoration table value with respect to an injection well permit for the mining of uranium.

C.S.S.B. 1061 revises the statutory provision that makes an application for an authorization that allows the holder of such a permit 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 as follows:

- by also making an application for an amendment to such an authorization that allows the permit holder to conduct mining and restoration activities in production areas within the boundary established in the permit an uncontested matter in the same manner;
- with regard to the condition that the authorization is 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 TCEQ, by replacing the term production zone with production area and specifying that the incorporation is for each production area 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, by specifying that the inclusion of the values is for each production area addressed in the application;
- with regard to the condition that the authorization is for a production zone located within the boundary of a permit that incorporates groundwater baseline characteristics of the wells for the application required by TCEQ rule, by replacing the term production zone with production area; and
- by adding the condition that the TCEQ, not later than the 30th day after the date the TCEQ determines the application to be administratively complete, mail notice of receipt of the application to:
 - the owners of the surface of the tract of land on which the existing or proposed production area is or will be located and the tracts of land adjacent to such land;
 - the owners of mineral rights underlying such tracts of land; and
 - any groundwater conservation district established in the county in which the existing or proposed production area is or will be located.

C.S.S.B. 1061 repeals a provision that subjects the first application for an authorization for a production zone located within a permit's boundary to the requirements of the act relating to an opportunity for a contested case hearing as an alternative to the provision that makes an application for an authorization an uncontested matter as described above. 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.S.B. 1061 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. An application for an authorization or an amendment to an authorization that was submitted to the TCEQ before the bill's effective date is governed by the law in effect at the time the application or amendment was submitted, and the former law is continued in effect for that purpose.

C.S.S.B. 1061 repeals Sections 27.0513(f) and (g), Water Code.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1061 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The engrossed required the TCEQ to prioritize the conservation of regional groundwater water supplies when establishing, with respect to 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, the methods for determining the restoration table values for a portion of an aquifer that the U.S. Environmental Protection Agency prohibits from being used as an underground source of drinking water. The substitute does not include that requirement and requires the TCEQ instead to prioritize the conservation of such water

supplies when reviewing an application to amend a restoration table value with respect to such a permit.

With respect to the revision of the statutory provision specifying the conditions under which an application for the previously described authorization is an uncontested matter, the engrossed used the term production zone, as is currently used in that statutory provision, whereas the substitute uses the term production area and correspondingly replaces the term production zone with production area in that statutory provision. The substitute adds the condition that the TCEQ, not later than the 30th day after the date the TCEQ determines the application to be administratively complete, mail notice of receipt of the application to applicable surface landowners, mineral rights owners, and groundwater conservation districts, whereas the engrossed did not add this condition.