

BILL ANALYSIS

S.B. 1478
By: Hegar
Energy Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Surface Mining and Reclamation Division of the Railroad Commission of Texas implements a mine and reclamation permit program and maintains delegated authority to act as the permitting authority under the federal coal mining and reclamation program. There is a concern that lengthy permit deadlines have resulted in delays and additional costs for operators and that current law inadequately addresses the deadline for the railroad commission's completion of the administrative and technical review of surface mining and reclamation permit applications, renewals, and revisions. S.B. 1478 addresses this issue by making changes to provisions relating to deadlines for the railroad commission to review certain applications for surface coal mining operation permits.

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

S.B. 1478 amends the Natural Resources Code to remove language requiring the Railroad Commission of Texas to approve or disapprove the revision of a surface coal mining permit not later than the 90th day after the date the permit holder submits the application for revision to the commission.

S.B. 1478 requires the director of the Surface Mining and Reclamation Division of the commission, not later than the seventh day after the date the commission receives an application for a new permit or for renewal or a significant revision of a permit, to complete a review of the application to determine whether the application is complete. The bill requires the director, if the director determines that the application is complete, to file the application with the commission's office of general counsel for processing under commission rules and the Administrative Procedure Act. The bill requires the director, if the director determines that the application is not complete, to send a written notice to the applicant that identifies the specific information that the applicant must provide to the commission. The bill requires the director, not later than the seventh day after the date the commission receives the requested information, to complete another review of the application to assess the completeness of the application.

S.B. 1478 requires the director, not later than the 120th day after the date the commission receives such an application that the director determines is complete, to complete the technical review of the application and make a recommendation to approve or deny the application to the commission's office of general counsel. The bill establishes that, if the director determines that the application is deficient, the period required for completing the review of the application is tolled until the date the commission receives the requested information from the applicant. The bill requires the director, if the director determines that the application is deficient, to send a written notice to the applicant that notifies the applicant:

- that the review period is being tolled;

- of the reason the review period is being tolled;
- of the information the applicant must submit to the commission before the commission will resume the review of the application; and
- of the number of days remaining that the commission has to review the application after the commission receives the requested information from the applicant.

S.B. 1478 authorizes the director, if the applicant submits supplemental information to the commission that is not in response to such a request for information, to extend the review period for an additional period of not more than 60 days. The bill requires the director to provide written notice to the applicant that includes the director's decision regarding whether to extend the review period, the reason for the decision, and the number of days remaining in the review period. The bill requires the director, if the director determines that an application for permit revision is not a significant departure from the approved method or conduct of mining and reclamation operations, to provide written notice to the applicant that the permit revision request has been approved or denied, not later than the 90th day after the date the commission receives a complete application. The bill establishes that, if the director makes such a determination and also determines that the application is deficient, the review period required to approve or deny the application is tolled until the date the commission receives the requested information from the applicant and requires the director to send a written notice to the applicant that notifies the applicant:

- that the review period is being tolled;
- of the reason the review period is being tolled;
- of the information that the applicant must submit to the commission before the commission will resume the review of the revision application; and
- of the number of days remaining that the commission has to review the application after the commission receives the requested information from the applicant.

S.B. 1478 defines "director."

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.