

By: Hegar

S.B. No. 1478

A BILL TO BE ENTITLED

AN ACT

relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.

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

SECTION 1. Section 134.004, Natural Resources Code, is amended by adding Subdivision (7-a) to read as follows:

(7-a) "Director" means the director, Surface Mining and Reclamation Division, Railroad Commission of Texas, or the director's representative.

SECTION 2. Section 134.080, Natural Resources Code, is amended to read as follows:

Sec. 134.080. APPROVAL ~~[OR DISAPPROVAL]~~ OF PERMIT REVISION. ~~[(a)]~~ The commission may not approve an application for a permit revision unless the commission finds that reclamation as required by this chapter can be accomplished under the revised reclamation plan.

~~[(b) The commission shall approve or disapprove the revision not later than the 90th day after the date the permit holder submits the application to the commission.]~~

SECTION 3. Subchapter D, Chapter 134, Natural Resources Code, is amended by adding Section 134.085 to read as follows:

Sec. 134.085. REVIEW PERIODS FOR NEW PERMITS, RENEWALS, AND REVISIONS. (a) Not later than the seventh day after the date the

1 commission receives an application for a new permit or for renewal
2 or a significant revision of a permit, the director shall complete a
3 review of the application to determine whether the application is
4 complete.

5 (b) If the director determines that the application is
6 complete, the director shall file the application with the
7 commission's office of general counsel for processing under
8 commission rules and Chapter 2001, Government Code.

9 (c) If the director determines that the application is not
10 complete, the director shall send a written notice to the applicant
11 that identifies the specific information that the applicant must
12 provide to the commission. Not later than the seventh day after the
13 date the commission receives the requested information, the
14 director shall complete another review of the application to assess
15 the completeness of the application.

16 (d) Not later than the 120th day after the date the
17 commission receives an application described by Subsection (a) that
18 the director determines is complete, the director shall complete
19 the technical review of the application and make a recommendation
20 to approve or deny the application to the commission's office of
21 general counsel.

22 (e) If the director determines that the application is
23 deficient under Subsection (d):

24 (1) the period required by Subsection (d) for
25 completing the review of the application is tolled until the date
26 the commission receives the requested information from the
27 applicant; and

1 (2) the director shall send a written notice to the
2 applicant that notifies the applicant:

3 (A) that the review period required by Subsection
4 (d) is being tolled;

5 (B) of the reason the review period is being
6 tolled;

7 (C) of the information the applicant must submit
8 to the commission before the commission will resume the review of
9 the application; and

10 (D) of the number of days remaining that the
11 commission has to review the application after the commission
12 receives the requested information from the applicant.

13 (f) If the applicant submits supplemental information to
14 the commission that is not in response to a request for information
15 under Subsection (e), the director may extend the review period
16 required by Subsection (d) for an additional period of not more than
17 60 days. The director shall provide written notice to the applicant
18 that includes the director's decision regarding whether to extend
19 the review period, the reason for the decision, and the number of
20 days remaining in the review period.

21 (g) This subsection and Subsection (h) apply only to an
22 application for a permit revision that the director determines is
23 not a significant departure from the approved method or conduct of
24 mining and reclamation operations. Not later than the 90th day
25 after the date the commission receives a complete application, the
26 director shall provide written notice to the applicant that the
27 permit revision request has been approved or denied.

1 (h) If the director determines that the application is
2 deficient:

3 (1) the review period required by Subsection (g) to
4 approve or deny the application under this section is tolled until
5 the date the commission receives the requested information from the
6 applicant; and

7 (2) the director shall send a written notice to the
8 applicant that notifies the applicant:

9 (A) that the review period required by Subsection
10 (g) is being tolled;

11 (B) of the reason the review period is being
12 tolled;

13 (C) of the information that the applicant must
14 submit to the commission before the commission will resume the
15 review of the revision application; and

16 (D) of the number of days remaining that the
17 commission has to review the application after the commission
18 receives the requested information from the applicant.

19 SECTION 4. The change in law made by this Act applies only
20 to a permit to conduct mining operations the application for which
21 is filed with the Railroad Commission of Texas on or after the
22 effective date of this Act. A permit the application for which is
23 filed before the effective date of this Act is subject to the law in
24 effect on the date the application is filed, and that law is
25 continued in effect for that purpose.

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2011.