

By: Hegar

S.B. No. 1478

A BILL TO BE ENTITLED

AN ACT

relating to permit review timelines of the surface mining and reclamation division of the Railroad Commission of Texas.

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

SECTION 1. PURPOSE. The purpose of this Act is to establish timelines for the review of applications for surface coal mining permits, renewals, and revisions.

SECTION 2. Section 134.004, Natural Resources Code, is amended by adding the following:

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

SECTION 3. Subchapter F, Chapter 134, Natural Resources Code, is amended by adding Sections 134.135, 134.136, and 134.137 to read as follows:

Sec. 134.135. ADMINISTRATIVE REVIEW PERIOD FOR NEW PERMITS, RENEWALS, AND SIGNIFICANT REVISIONS.

(a) The director shall complete a review to assess the administrative completeness of any application submitted for a new surface coal mine permit or the renewal or revision of such a permit within one week of receipt of the application.

(1) If the application is found to be incomplete, the letter will identify for the applicant the specific information that causes an incompleteness determination and, upon the

1 applicant's submittal of the requested information, shall make a  
2 determination whether the application is administratively complete  
3 within one week of receipt of requested information.

4 (2) If the application is found to be administratively  
5 complete, the application will be filed with the office of general  
6 counsel for processing in accordance with commission rules and  
7 Chapter 2001, Texas Government Code.

8 Sec. 134.136. TECHNICAL REVIEW PERIOD FOR NEW PERMITS,  
9 RENEWALS, AND SIGNIFICANT REVISIONS.

10 (a) Within 120 days of receipt of an administratively  
11 complete application for a new permit or significant permit  
12 revision (or within 60 days for a renewal application), the  
13 director shall file documentation of its technical analysis with  
14 the commission's office of general counsel and contact the  
15 applicant to schedule a meeting to discuss the technical analysis  
16 review findings.

17 (1) If the applicant files a supplement to the  
18 application, the director will follow the procedure outlined in  
19 section 134.135(a) regarding administrative review and review the  
20 supplement and respond with an addendum to its technical analysis  
21 within 30 days of receiving an administratively complete  
22 supplement, unless a substantive revision to the proposed mining  
23 and operation plan is made to the application in the supplemental  
24 filing.

25 (2) If a substantive revision is made in the  
26 applicant's supplemental filing, the review shall be completed  
27 within 60 days from receipt of an administratively complete

1 supplement.

2 (b) During this review time period the director will request  
3 that the hearings examiner assigned to the case from the office of  
4 general counsel review the public notice to ensure that no material  
5 change, requiring additional notice, has occurred with this  
6 supplemental filing to the application.

7 Sec. 134.137. REVIEW OF NONSIGNIFICANT REVISIONS

8 (a) Within 60 days of receipt of a complete application for  
9 a non-significant permit revision, the director shall issue a  
10 written response to the applicant either authorizing the requested  
11 permit revision or providing a list of deficiency comments with  
12 precise citations to applicable regulation sections.

13 (b) Within 30 days of receiving an applicant's response to  
14 deficiency comments, the director shall issue a written response  
15 authorizing the requested permit revision or setting out additional  
16 deficiencies consistent with the process outlined in subsection (a)  
17 of this section.

18 SECTION 4. EFFECTIVE DATE. This Act applies to  
19 applications submitted on or after June 1, 2011. The director of  
20 the railroad commission shall take all reasonable steps necessary  
21 to ensure that applications still pending on the effective date of  
22 this Act are processed within timeframes that are consistent with  
23 permit review timeframes set out in this Act.