

## **BILL ANALYSIS**

Senate Research Center  
82R20130 ACP-F

C.S.S.B. 1478  
By: Hegar  
Natural Resources  
4/12/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Railroad Commission of Texas (railroad commission) Surface Mining and Reclamation Division (SMRD) implements a mine and reclamation permit program under Chapter 134 (Texas Surface Coal Mining and Reclamation Act), Natural Resources Code, and maintains delegated authority from the United States Department of Interior, Office of Surface Mining, to act as the permitting authority under the federal coal mining and reclamation program, the Surface Mining Control and Reclamation Act.

Long permit timelines have resulted in delays and additional costs for operators. Currently, there is no statutory requirement for the railroad commission to complete the administrative and technical review of surface mining and reclamation permit applications, renewals, and revisions within a specific timeline.

C.S.S.B. 1478 amends current law relating to deadlines for the railroad commission to review certain applications for surface coal mining operation permits.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 134.004, Natural Resources Code, by adding Subdivision (7-a) to define "director."

SECTION 2. Amends Section 134.080, Natural Resources Code, as follows:

Sec. 134.080. New heading: APPROVAL OF PERMIT REVISION. Deletes the existing designation of Subsection (a). Deletes existing Subsection (b) requiring the Railroad Commission of Texas (railroad commission) to approve or disapprove the revision not later than the 90th day after the date the permit holder submits the application to the railroad commission.

SECTION 3. Amends Subchapter D, Chapter 134, Natural Resources Code, by adding Section 134.085, as follows:

Sec. 134.085. REVIEW PERIODS FOR NEW PERMITS, RENEWALS, AND REVISIONS. (a) Requires the director of the Surface Mining and Reclamation Division of the railroad commission (director), not later than the seventh day after the date the railroad 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.

(b) Requires the director, if the director determines that the application is complete, to file the application with the railroad commission's office of general counsel for processing under railroad commission rules and Chapter 2001 (Administrative Procedure), Government Code.

(c) 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 is required to provide to the railroad commission. Requires the director, not later than the seventh day after the date the railroad commission receives the requested information, to complete another review of the application to assess the completeness of the application.

(d) Requires the director, not later than the 120th day after the date the railroad commission receives an application described by Subsection (a) 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 railroad commission's office of general counsel.

(e) Provides that if the director determines that the application is deficient under Subsection (d):

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

(2) the director is required to send a written notice to the applicant that notifies that applicant of certain information related to the status of the application.

(f) Authorizes the director, if the applicant submits supplemental information to the railroad commission that is not in response to a request for information under Subsection (e), to extend the review period required by Subsection (d) for an additional period of not more than 60 days. 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.

(g) Provides that this subsection and Subsection (h) apply only to an application for a permit revision that the director determines is not a significant departure from the approved method or conduct of mining and reclamation operations. Requires the director, not later than the 90th day after the date the railroad commission receives a complete application, to provide written notice to the applicant that the permit revision request has been approved or denied.

(h) Provides that if the director determines that the application is deficient:

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

(2) the director is required to send a written notice to the applicant that notifies that applicant of certain information related to the status of the application.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2011.