

BILL ANALYSIS

Senate Research Center
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S.B. 434
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 434 makes revisions to the regulatory process for uranium mining activities at the Texas Commission on Environmental Quality (TCEQ) while keeping in place the important environmental protections provided by statute and TCEQ rules.

Uranium mining companies have to obtain multiple regulatory approvals from the TCEQ, including area permits and production area authorizations (PAAs) to operate and mine in Texas. Area permits cover a larger area which uranium mining could possibly occur while PAAs address smaller areas located within the areas covered by the area permits.

Section 27.0513 (Area Permits and Production Areas for Uranium Mining) of the Water Code requires both area permits and PAAs to be subject to contested case hearings. Under the provisions of S.B. 434, applications for area permits and PAAs continue to be subject to the public notice and comment process at the TCEQ and area permits will remain subject to contested case hearings. To reduce duplication of process PAAs will not be subject to contested case hearings.

As proposed, S.B. 434 amends current law relating to the procedural requirements for action by the Texas Commission on Environmental Quality on applications for production area authorizations.

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 27.0513(d), Water Code, as follows:

(d) Provides that an application for an authorization submitted after September 1, 2007, notwithstanding Sections 5.551 (Permitting Procedures; Applicability), 5.556 (Request for Reconsideration or Contested Case Hearing), 27.011 (Permit from Commission), and 27.018 (Hearing on Permit Application), is an uncontested matter not subject to a contested case hearing or the hearing requirements of Chapter 2001 (Administrative Procedure), Government Code.

Deletes existing text providing that an application for an authorization submitted after September 1, 2007, notwithstanding Sections 5.551, 5.556, 27.011, and 27.018, is an uncontested matter not subject to a contested case hearing or the hearing requirements of Chapter 2001, Government Code, unless the authorization seeks any of the following an amendment to a restoration table value; the initial establishment of monitoring wells for any area covered by the authorization, including the location, number, depth, spacing, and design of the monitoring wells, unless the executive director of the Texas Commission on Environmental Quality (executive director) uses the recommendation of an independent third-party expert chosen by the Texas Commission on Environmental Quality; or an amendment to the type or amount of bond required for groundwater restoration or by Section 27.073 (Financial Responsibility) to assure that there are

sufficient funds available to the state for groundwater restoration or the plugging of abandoned wells in the area by a third-party contractor.

SECTION 2. Repealers: Sections 27.0513(e) (relating to the authorization of the executive director to use an independent third-party expert), and (f) (relating to the provision that an application approval under Subsections (d) (1)-(3) is subject to the public notice and contested hearing requirements provided in Section 27.018), Water Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2013.