



# **Texas Legislative and Regulatory Update**

## **U-2013 Global Uranium Symposium – Corpus Christi**

Presented by:

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## Texas Mining and Reclamation Association

- Texas Mining and Reclamation Association (TMRA) is an industry trade association of approximately 100 state and national mining industry members representing several thousand employees.
- Among the resources mined in Texas by Texans are:
  - uranium
  - lignite/coal
  - sand and gravel
  - granite



## Important Legislative and Regulatory Factors in Texas

- Leadership at Texas Legislature and State Agencies
- Understanding need for regulatory certainty
- History of in-situ uranium mining in Texas
- Public relations



## Regulation of Uranium Mining in Texas

- Texas Commission of Environmental Quality (TCEQ) - regulates **production** of uranium.
- Railroad Commission of Texas (RCT) – regulates **exploration** for uranium.



## 2013 Legislative Activities

- House Bill 1079 – Uranium Mining Permitting
- House Concurrent Resolution 81 – 50<sup>th</sup> Anniversary of Agreement State status for Texas
- Senate Bill 347 – Env. Rad. & Perp. Care Acct.
- Senate Bill 138 – Geoscientists
- House Bill 1675 – Railroad Comm. continued





## Recent Legislative History

- Senate Bill 1604 (2007) – transferred regulation of uranium mining industry from Texas Department of State Health Services to TCEQ. SB 1604 required two phases of rulemaking at TCEQ.
- HB 3837 / HB 3838 (2007) – clarified that the TCEQ and RCT are the governmental entities with exclusive jurisdiction to regulate uranium mining production and exploration activities in Texas.



## 2013 Legislation – HB 1079

- Addressed several issues within the Area Permit and Production Area Authorization regulatory process at TCEQ.
- Created two options for companies to use when submitting AP and PAA applications to TCEQ.
- Focus is on range table of groundwater quality restoration values.



## 2013 Legislation – HCR 81

- HCR 81 recognized the 50<sup>th</sup> Anniversary of the State of Texas obtaining Agreement State status from the U. S. Nuclear Regulatory Commission.





## 2013 Legislation – SB 347

- Created the Environmental Radiation and Perpetual Care Account at the TCEQ
- Established a sub-account for uranium mining companies within the new ERPC Account
- Capped the fees collected from the uranium mining industry and provided that those fees can only be collected when a company is in production.



## 2013 Legislation – SB 138

- Made amendments to Texas Geoscience Practice Act
- Reflects growth of Texas Board of Professional Geoscientists
- Will likely result in more interaction between TBPG and other state agencies



## 2013 Legislation – SB 1675

- Continues the RCT until 2017.
- Part of Sunset Advisory Commission process.



## State Rulemaking Efforts in Texas

- Recent rulemaking efforts
- Rulemaking efforts to implement 2013 Legislation



## State Rulemaking – Uranium Mining

- Implementation of 2007 Legislation
  - Senate Bill 1604
  - House Bill 3837
  - House Bill 3838



## TCEQ Rulemaking

- Phase 1
  - Incorporated rules from Texas Department of State Health Services.
  - Effective 2008.



## TCEQ Rulemaking

- Phase 2
  - Implemented SB 1604 and HB 3838
  - Extensive stakeholder involvement and multiple public meetings
  - Modernized rules addressing uranium production in Texas
  - Effective March 2009



## Railroad Commission of Texas Rulemaking

- Implemented HB 3837
- Part 1 – Revised 16 TAC Chapter 11
  - Effective November 1, 2010
  - Modernized rules governing uranium exploration activities in Texas.
- Part 2 – Revised 16 TAC Section 11.136
  - Effective February 1, 2011
  - Fees for Exploration Activities



## TCEQ Rulemaking to Implement 2013 Legislation

- HB 1079 Rulemaking – Scheduled to begin May 2014
- SB 347 Rulemaking – Scheduled to begin in 2014 and extend into 2015



## Aquifer Exemptions

- Need for Regulatory Certainty
- Obtain Aquifer Exemption approvals from TCEQ and U.S. EPA Region 6 under Safe Drinking Water Act
- Correspondence from TCEQ to EPA has detailed explanation of legal authority of TCEQ and EPA to review and grant Aquifer Exemption requests





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