



# Texas Legislative and Regulatory Update – Uranium Mining

**2014 TMRA Annual Meeting – Hyatt Lost Pines**

Presented by:

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## 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.



## 2014 Regulatory Activities

- House Bill 1079 Rulemaking – Uranium Mining Permitting
- Aquifer Exemption Approvals by EPA
- IMPEP Review of TCEQ RMD by NRC
- Senate Bill 347 – Env. Rad. & Perp. Care Acct.





## HB 1079 Rulemaking

- HB 1079 was a significant victory for uranium mining industry in Texas.
- HB 1079 addressed several issues within the Area Permit and Production Area Authorization regulatory process at TCEQ.
- Bi-partisan support.
- Result of extensive negotiations with legislators.

## HB 1079 Rulemaking

- Beginning in Summer 2013, owner/operators invested significant time in preparing proposed rule language to help TCEQ staff understand our perspectives and to provide technical insight from people who are out in the field working under TCEQ Rules every day.
- Made formal rulemaking process more efficient.



## HB 1079 Rulemaking

- TCEQ Agenda - Publication of Rules = May 14, 2014
- Published in Texas Register = May 30
- Public Hearing on Draft Rules = June 17
- 30 Day Public Comment Period = May 30 to June 30
- TCEQ Agenda for Adoption = November 19





## Aquifer Exemptions – Approvals by EPA

- Finally obtained Aquifer Exemption approvals from TCEQ and U.S. EPA Region 6 under Safe Drinking Water Act for multiple uranium mining projects in Texas
- Correspondence from TCEQ to EPA provided detailed explanation of extent legal authority of TCEQ and EPA to review and grant Aquifer Exemption requests





## IMPEP Review of TCEQ RMD by NRC

- Texas is has “agreement state” status with U. S. Nuclear Regulatory Commission (NRC)
- HCR 81 recognized the 50<sup>th</sup> Anniversary of the State of Texas obtaining Agreement State status from the NRC.



## IMPEP Review of TCEQ RMD by TCEQ

- Every 4 years, NRC conducts a “top to bottom” review of TCEQ’s Radioactive Materials Division (RMD)
- Onsite visits of uranium mining facilities by NRC staff
- TCEQ RMD satisfactory on all criteria
- NRC believes work is needed to improve inspection program



## SB 347 Rulemaking

- SB 347 created the Environmental Radiation and Perpetual Care Account at the TCEQ
- TCEQ may collect fees up to \$100 million
- TMRA-UC worked to establish a sub-account for uranium mining companies within the new ERPC Account
- Capped the fees collected from the uranium mining industry at \$2 million and provided that those fees can only be collected when a company is in production.





## **SB 347 Rulemaking – Environmental Radiation and Perpetual Care Account**

- TCEQ Agenda – Publication = Nov. 19
- Public Comment begins = Dec. 5
- TCEQ Agenda for Adoption = April 29



## 2014 Legislative Activities

- Preparation for 2015 Regular Session
- Educational effort – educating and informing state legislators and legislative staff
- Building relationships
- Monitoring work of interim legislative committees



## 2014 Legislative Activities

- House Environmental Regulation Committee / Senate Nat. Res. Comm have interim charge to review contested case hearings process for all TCEQ regulatory approvals.
- Effort to streamline hearings process
- Groundwater legislation / Draft TDLR bill





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