

## Rule Project No. 2025-033-331-WS

### **Comments on Proposed Revisions to Chapter 331 of the TCEQ Rules to Implement Senate Bill 1061**

#### **Owner/Operator Members of the TMRA-UC**

The Owner/Operator Members of the Uranium Committee of the Texas Mining & Reclamation Association (“TMRA-UC”) have reviewed the draft 30 Texas Administrative Code Chapter 331 rule language proposed by the Texas Commission on Environmental Quality (“TCEQ”) (Rule Project Number 2025-033-331-WS) implementing Senate Bill 1061. TMRA-UC appreciates the work of the TCEQ staff in preparing the proposed revisions and the opportunity to provide written comments.

TMRA-UC supports the overall effort to align the TCEQ rules with SB 1061 and agrees most of the additions to Section 331.107 and Section 331.108 reflect the legislative changes. However, TMRA-UC is concerned with the language proposed to be added to Section 331.108(b). The comments are as follows:

#### **1. Comment on Section 331.108(b)**

The new language proposed to be added to Section 331.108(b) prohibits an applicant from amending a restoration table value to exceed the value of the applicable permit range table. We request that the following new language be removed from SB 331.108(b) and the existing language of Section 331.108(b) remain in place:

#### **(b) A restoration table may not be amended to exceed a respective value of the permit range table.**

SB 1061 does not impose this prohibition. The new language of Section 331.108(b) conflicts with 30 TAC 331.107(g). Texas Water Code Section 27.0513(c) provides that if a restoration table value exceeds the upper limit of a permit range table, the applicant must either use the permit range table value or obtain a major amendment to the permit range table, subject to an opportunity for a contested case hearing. The statute therefore allows a request to exceed the permit range table, subject to the major amendment process and the associated contested case hearing requirements.

By stating that an amendment may not exceed the range table value at all, the proposed rule removes an option that the Legislature expressly preserved. TMRA-UC believes the rule should be revised to match the statutory language so that applicants retain the ability to seek a major amendment when site specific conditions warrant it.

**2. Agreement with Remaining Rule Revisions Implementing SB 1061 Provisions**

TMRA-UC agrees that the amendments to Section 331.107 properly incorporate the statutory directive to prioritize conservation of regional groundwater supplies when evaluating amendments to restoration and range table values, and that the revisions to Section 331.108, other than the new language proposed for Section 331.108(b), accurately reflect the Legislature's changes regarding the criteria for determining when an authorization or amendment requires a contested case hearing and the requirement for mailed notice to adjacent surface owners, mineral interest owners, and the local groundwater conservation district.