

BILL ANALYSIS

Senate Research Center
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S.B. 359
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Natural Resources
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no statute that regulates the mining of sand or other aggregates in Texas' rivers. The San Jacinto River was named one of the nation's most endangered rivers by American Rivers, a national nonprofit river conservation group. The operations conducted on the river are affecting the drinking water supply for the City of Houston and surrounding communities, as well as affecting the flow of water.

As proposed, S.B. 359 expands an existing pilot program to protect parts of the San Jacinto River. The bill requires the Texas Commission on Environmental Quality, the Brazos [sic] River Authority, and the Texas Parks and Wildlife Department to monitor the aggregate mining operations on parts of the west and east forks of the San Jacinto River by annual visual inspections and water sampling. The bill requires reclamation and restoration of existing quarry sites located within the current pilot program area.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality (TCEQ), as the successor agency to TNRCC.]

SECTION 1. Amends Section 26.552(b), Water Code, as follows:

(b) Requires the Texas Commission on Environmental Quality (TCEQ) to apply this subchapter as a pilot program in the watersheds of the portion of the west fork of the San Jacinto River located between Interstate Highway 45 and the fork's juncture with Spring Creek, and the portion of the east fork of the San Jacinto River located between Texas State Highway 105 and the fork's juncture with Lake Houston, and the John Graves Scenic Riverway until September 1, 2025. Deletes text setting forth the starting date of the pilot program.

SECTION 2. Amends Section 26.555, Water Code, as follows:

Sec 26.555. New heading: INSPECTIONS OF AND SAMPLING OF WATER IN PILOT PROGRAM AREAS.

(a) Requires TCEQ, the Brazos River Authority, and the Parks and Wildlife Department to conduct, in coordination, each calendar year, visual inspections of the watersheds of the portions of the west and east forks of the San Jacinto River in the pilot program area, and the testing of water samples from the portions of the west and east forks of the San Jacinto River and their tributaries in the pilot program area. Makes conforming changes.

(b) Requires that visual inspections be conducted both from the surface and from an aircraft flyover of the riverway or watersheds. Deletes existing text specifying

that surface and flyover inspections be conducted on the John Graves Scenic Riverway.

SECTION 3. Amends subchapter M, Chapter 26, Water Code, by adding Section 26.563, as follows:

Sec. 26.563. ADDITIONAL RECLAMATION REQUIREMENTS IN SAN JACINTO RIVER PORTION OF PILOT PROGRAM AREA. (a) Requires TCEQ, by rule, to require the responsible party for a quarry located less than one mile from a water body in the San Jacinto River portion of the pilot program area provide to TCEQ a reclamation plan for the quarry that provides for restoring the quarry site to a state that is reasonably like the natural state of the land surrounding the quarry site or to a state suitable for a purpose specified in the plan, and complete the reclamation plan activities within a reasonable time after quarry operations have ended.

(b) Requires the reclamation of a quarry site to be consistent with best management standards and practices adopted by TCEQ for quarry reclamation and to provide for the quarry excavations to be stabilized; cleared of waste, debris, and structures; and refilled, regraded, and recontoured to prevent water accumulation in a manner that may harm groundwater or surface water quality or presenting a public safety risk.

SECTION 4. Effective date: September 1, 2007.