

BILL ANALYSIS

Senate Research Center

S.B. 1711
By: Hegar
Natural Resources
6/9/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 74th Legislature enacted a statute under the Texas Water Code that allows surface coal mining operations to construct reservoirs for sediment control without obtaining a water rights permit. However, a water quality permit is still required through the Texas Commission on Environmental Quality (TCEQ) to ensure that these sedimentation ponds comply with all applicable environmental standards as well as a permit for taking water out of the ponds.

S.B. 1711 amends current law relating to the use of reservoirs for sediment control or to satisfy certain environmental and safety requirements at surface mining operations.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.142(d), Water Code, to authorize a person, without obtaining a permit, to construct or maintain a reservoir as part of a surface coal mining operation under Chapter 134 (Texas Surface Coal Mining and Reclamation Act), Natural Resources Code, rather than for the sole purpose of sediment control, if the water in the reservoir is used solely for sediment control or compliance with applicable laws, rules, or regulations relating to fire or dust suppression. Deletes existing text relating to the Texas Surface Coal Mining and Reclamation Act (Article 5920-11, V.T.C.S.).

SECTION 2. Requires the Texas Commission on Environmental Quality to adopt rules to implement Section 11.142(d), Water Code, as amended by this Act, not later than January 1, 2010.

SECTION 3. Effective date: upon passage or September 1, 2009.