

BILL ANALYSIS

Senate Research Center
81R18321 TRH-D

C.S.S.B. 1711
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Natural Resources
3/30/2009
Committee Report (Substituted)

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.

C.S.S.B. 1711 authorizes a person to construct or maintain a reservoir to divert or use sedimentation pond water to satisfy environmental and safety laws and regulations, including fire and dust suppression, applicable to a surface coal mining operation under the Texas Surface Coal Mining and Reclamation Act.

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 for the purpose of sediment control and to divert or use the water to satisfy environmental and safety laws and regulations, including fire and dust suppression, applicable to a surface coal mining operation under Chapter 134 (Texas Surface Coal Mining and Reclamation Act), Natural Resources Code. Deletes existing text authorizing a person to construct or maintain a reservoir for the sole purpose of sediment control as part of a surface coal mining operation under 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.