

BILL ANALYSIS

Senate Research Center
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S.B. 2162
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Natural Resources & Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Choke Canyon Dam is located approximately four miles west of Three Rivers in Live Oak County, on the Frio River, a major tributary of the Nueces River. The Choke Canyon Reservoir, extending in both Live Oak and McMullen counties, was built by the U.S. Bureau of Reclamation, and the City of Corpus Christi and the Nueces River Authority own and operate the reservoir for municipal water supply and recreational purposes. According to a 2012 Texas Water Development Board survey, the Choke Canyon Reservoir has a storage capacity of approximately 662,821 acre-feet, encompassing a surface area of 25,438 acres at top of the conservation pool elevation, and the drainage area above the dam is approximately 4,667 square miles.

Because the reservoir supplies drinking water for residents and businesses in the Coastal Bend of Texas, including the City of Corpus Christi and Bee, Jim Wells, Kleberg, Live Oak, McMullen, Nueces, and San Patricio counties, public officials and other stakeholders in this region are concerned about potential contamination of the reservoir and the creeks and tributaries that drain into the reservoir. Any contaminated runoff that reaches these creeks or tributaries could reach the river basin, causing damage to local ecology, wildlife, livestock, and consumers, as well as impair area recreation and economic development. What's more, contaminated or toxic drinking water may cause a serious public health crisis with short-term and long-term detrimental effects on the economy, environment, and public health as seen recently in Flint, Michigan, and Corpus Christi, Texas.

To protect the local water supply and public health and safety in this environmentally sensitive area, S.B. 2162 prohibits the Railroad Commission of Texas from approving a permit for a commercial surface disposal facility in Live Oak and McMullen counties. This would better safeguard the Choke Canyon Reservoir, the Frio River, and its tributaries from potential future contamination or toxins from such a facility.

As proposed, S.B. 2162 amends current law relating to a prohibition on the approval by the Railroad Commission of Texas of an application for a permit for a commercial surface disposal facility located near certain reservoirs.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 91, Natural Resources Code, by adding Section 91.118, as follows:

Sec. 91.118. COMMERCIAL SURFACE DISPOSAL FACILITY PROHIBITED NEAR CERTAIN RESERVOIRS. (a) Defines "commercial surface disposal facility."

(b) Prohibits the Railroad Commission of Texas (railroad commission) from approving an application for a permit for a commercial surface disposal facility if

any part of the site of the facility is located less than 20 miles upstream of or up-drainage from the maximum elevation of the surface of a reservoir project that:

(1) has been constructed or is under construction by the United States (U.S.) Bureau of Reclamation or the U.S. Army Corps of Engineers; or

(2) has been approved for construction by the Texas Water Development Board as part of the state water plan under Subchapter C (Planning), Chapter 16 (Provisions Generally Applicable to Water Development), Water Code.

SECTION 2. Provides that the change in law made by this Act applies only to an application for a permit that is pending before the railroad commission on or after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2017.