

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 19, 2005

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1354 by Estes (Relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program in a certain portion of the Brazos River watershed; providing penalties.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would establish a 20-year pilot program for the John Graves Scenic Riverway in the Brazos River Basin. The bill would require an entity in the area to obtain a permit from the Texas Commission on Environmental Quality (TCEQ) for discharges into a quarry. It would also prohibit the construction or operation of any new quarry, or the expansion of an existing quarry, located within 1,500 feet of a water body located in the area for applications for permits or permit amendments after September 1, 2005. The bill would exempt municipal solid waste facilities, processing plants operating on or before January 1, 1994 and surface coal mining operations from the provisions of the bill.

The bill would require the TCEQ, the Texas Parks and Wildlife Department (TPWD), and the Brazos River Authority to coordinate efforts to conduct visual inspections of the John Graves Scenic Riverway and testing of water samples at least twice a year

The bill would establish the Reclamation and Restoration Fund Account within the General Revenue Fund. Penalties and other money received by the commission as a result of enforcement actions taken pursuant to provisions of the bill would be deposited into the account. Money in the account could be appropriated only to the TCEQ for the reclamation and restoration of the beds, bottoms, and banks of water bodies affected by unlawful discharges.

Any administrative costs to the TCEQ and TPWD are expected to be absorbed within the agency's existing budget. This estimate assumes that most entities will comply with laws established by the bill, and penalty collections will be minimal. Therefore, the amount of revenues generated and deposited to the Reclamation and Restoration Fund Account are not expected to be significant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. Any costs to the Brazos River Authority in collecting samples and conducting site visits could be accomplished using existing resources.

Source Agencies: 582 Commission on Environmental Quality, 802 Parks and Wildlife Department

LBB Staff: JOB, WK, ZS, TL