

By: Van Arsdale

H.B. No. 2929

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of the Texas Commission on
3 Environmental Quality's water quality protection area pilot
4 program to portions of the Spring Creek watershed.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 26.551, Water Code, is amended by adding
7 Subdivision (10-a) to read as follows:

8 (10-a) "Spring Creek water quality protection area"
9 means the portion of Spring Creek within Harris County from
10 Interstate Highway 45 downstream to its confluence with the west
11 fork of the San Jacinto River.

12 SECTION 2. Section 26.552(b), Water Code, is amended to
13 read as follows:

14 (b) Until [~~For the period of September 1, 2005, to~~]
15 September 1, 2027 [~~2025~~], the commission shall apply this
16 subchapter only as a pilot program in:

17 (1) the Spring Creek water quality protection area;
18 and

19 (2) the John Graves Scenic Riverway.

20 SECTION 3. Sections 26.553(a), (b), (c), and (d), Water
21 Code, are amended to read as follows:

22 (a) The commission shall require a responsible party to
23 obtain an individual permit for any discharges from a quarry
24 located in a water quality protection area that is located:

1 (1) within a 100-year floodplain of any water body;

2 [~~or~~]

3 (2) within one mile of any water body other than Spring
4 Creek; or

5 (3) within one-half mile of Spring Creek.

6 (b) The commission shall require a responsible party to
7 obtain a general permit under Section 26.040 for any quarry that is
8 located in a water quality protection area and located a distance of
9 more than:

10 (1) one mile from any water body other than Spring
11 Creek; or

12 (2) one-half mile from Spring Creek.

13 (c) Subject to Subsection (d), the commission shall
14 prohibit the construction or operation of any new quarry, or the
15 expansion of an existing quarry, located:

16 (1) within 1,500 feet of a water body other than Spring
17 Creek located in a water quality protection area for which a person
18 files an application for a permit or permit amendment after
19 September 1, 2005; or

20 (2) within 200 feet of the portion of Spring Creek
21 located in the Spring Creek water quality protection area for which
22 a person files an application for a permit or permit amendment after
23 September 1, 2007.

24 (d) Notwithstanding Subsection (c)(1) [~~(e)~~], the commission
25 may issue or amend a permit to authorize the construction or
26 operation of a quarry located between 200 and 1,500 feet of a water
27 body on finding that:

1 (1) the responsible party can satisfy performance
2 criteria established by commission rule and incorporated into the
3 permit to address:

4 (A) slope gradients that minimize the potential
5 for erosion, slides, sloughing of quarry walls, overburden piles,
6 and banks into the water body and related water quality
7 considerations;

8 (B) whether operations could result in
9 significant damage to important historic and cultural values and
10 ecological systems;

11 (C) whether operations could affect renewable
12 resource lands, including aquifers and aquifer recharge areas, in
13 which the operations could result in a substantial loss or
14 reduction of long-range productivity of a water supply or of food or
15 fiber products; and

16 (D) whether operations could affect natural
17 hazard land, including areas subject to frequent flooding and areas
18 of unstable geology, in which the operations could substantially
19 endanger life and property;

20 (2) the responsible party has provided a plan for the
21 control of surface water drainage and water accumulation to
22 prevent:

23 (A) erosion, siltation, or runoff; and

24 (B) damage to:

25 (i) fish, wildlife, or fish or wildlife
26 habitat; or

27 (ii) public or private property;

1 (3) the responsible party has provided a plan for
2 reclamation of the quarry that is consistent with best management
3 standards and practices adopted by the commission for quarry
4 reclamation, which may include backfilling, soil stabilization and
5 compacting, grading, erosion control measures, and appropriate
6 revegetation; and

7 (4) the responsible party has provided evidence that,
8 to the extent possible, quarrying will be conducted using the best
9 available technology to:

10 (A) minimize disturbance and adverse effects of
11 the quarry operation on fish, wildlife, and related environmental
12 resources; and

13 (B) enhance fish, wildlife, and related
14 environmental resources where practicable.

15 SECTION 4. Section 26.555, Water Code, is amended to read as
16 follows:

17 Sec. 26.555. INSPECTIONS OF AND SAMPLING OF WATER IN PILOT
18 PROGRAM AREAS [~~JOHN GRAVES SCENIC RIVERWAY~~]. (a) To detect
19 potential violations of this subchapter:

20 (1) in the John Graves Scenic Riverway, the
21 commission, the Brazos River Authority, and the Parks and Wildlife
22 Department shall coordinate efforts to conduct each calendar year:

23 (A) [~~(1)~~] visual inspections of the riverway;
24 and

25 (B) [~~(2)~~] testing of water samples drawn from the
26 Brazos River and its tributaries in the riverway; and

27 (2) the commission, the San Jacinto River Authority,

1 and the Parks and Wildlife Department shall coordinate efforts to
2 conduct each calendar year:

3 (A) visual inspections of the Spring Creek water
4 quality protection area; and

5 (B) testing and analysis of water samples drawn
6 from the portion of Spring Creek in the Spring Creek water quality
7 protection area.

8 (b) The visual inspections and the drawing of water samples
9 must be conducted at least once in a winter month and at least once
10 in a summer month. The visual inspections must be conducted both
11 from the surface of the riverway or the water quality protection
12 area [~~John Graves Scenic Riverway~~] and from an aircraft flying over
13 the riverway or the water quality protection area.

14 SECTION 5. This Act takes effect September 1, 2007.