

By: Chisum

H.B. No. 3791

A BILL TO BE ENTITLED

AN ACT

relating to reclamation plan improvements under the Surface Coal Mining and Reclamation Act.

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

SECTION 1. Subchapter D, Chapter 11, Water Code, is amended by adding Section 11.156 to read as follows:

Sec. 11.156. RECLAMATION PLAN IMPOUNDMENTS AND RESERVOIRS

(a) Upon approval by the executive director, an impoundment or reservoir constructed within an area permitted under the Surface Coal Mining and Reclamation Act, Chapter 134, Natural Resources Code, is not required to be permitted under this Chapter if a licensed professional engineer certifies that:

(1) the only surface water received by the impoundment or reservoir is diffused surface water; or

(2) mining and reclamation activities required by the permits issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, over the life of the project, will result in a net increase of state water in the river basin in which the impoundment or reservoir is located, during and after the life of the project, when compared to pre-mining conditions in that river basin.

(b) The executive director shall approve or disapprove the certification in subsection (a) of this section within 60 days after the date of receipt of the certification.

1 (c) Notwithstanding any other provision in this Chapter, an
2 applicant for a permit under this Chapter who is unable to make the
3 demonstration contained in subsection (a)(2) of this Section shall
4 be given credit for the developed water during the life of the
5 project in an amount equal to that certified by a licensed
6 professional engineer, upon approval by the executive director.

7 (d) Within 60 days of receipt of information in compliance
8 with subsection (a) of this section, the executive director shall
9 issue a letter to the Railroad Commission of Texas documenting that
10 a permit is not required under this Chapter for the impoundment or
11 reservoir.

12 SECTION 2. This Act takes effect September 1, 2007.