

By: Hilderbran

H.B. No. 4126

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain quarries located along the headwaters of the Upper Guadalupe River by the Upper Guadalupe River Authority.

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

SECTION 1. Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, is amended by adding Section 16A to read as follows:

Sec. 16A. (a) As necessary to prevent erosion and protect the water quality of the Upper Guadalupe River, the district may adopt rules to require a responsible party to obtain a permit from the district for any quarry operation in the district that is located one-half mile or less from that portion of the Guadalupe River or its tributaries, the water quality of which is threatened by activities at a quarry.

(b) In this section:

(1) "Quarry" means the site from which aggregates for commercial sale are being or have been removed or extracted from the earth to form a pit, including the entire excavation, stripped areas, haulage ramps, and the immediately adjacent land on which the plant processing the raw materials is located. The term does not include any land owned or leased by the responsible party not being currently used in the production of aggregates for commercial sale or an excavation to mine clay or shale for use in manufacturing

1 structural clay products.

2 (2) "Responsible party" means the owner, operator,
3 lessor, or lessee who is responsible for the overall function and
4 operation of a quarry required to apply for and hold a permit
5 pursuant to this section.

6 (c) The district by rule shall establish performance
7 criteria and requirements for the permit required under Subsection
8 (a) to address:

9 (1) slope gradients that minimize the potential for
10 erosion of quarry walls and banks into the surface waters and
11 related water quality considerations;

12 (2) potential effects on areas subject to frequent
13 flooding and related risks to public safety and property;

14 (3) the control of surface water drainage and water
15 accumulation to prevent:

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

17 (B) damage to public or private property;

18 (4) closure of a quarry, after quarry activities have
19 ended, consistent with best management standards and practices
20 adopted by the commission for quarry stabilization and reuse, which
21 may include soil stabilization and compacting, grading, erosion
22 control measures, removal of waste, debris, and structures, and
23 revegetation; and

24 (5) restoration of a receiving water body to
25 background conditions in the event of an unauthorized discharge
26 that affects the water body.

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.