

By: Williams

S.B. No. 359

A BILL TO BE ENTITLED

AN ACT

relating to the application of the Texas Commission on Environmental Quality's water quality protection area pilot program to portions of the San Jacinto River.

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

SECTION 1. Section 26.552(b), Water Code, is amended to read as follows:

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

(1) the watersheds of:

(A) the portion of the west fork of the San Jacinto River that is located between Interstate Highway 45 and the fork's juncture with Spring Creek; and

(B) the portion of the east fork of the San Jacinto River that is located between Texas State Highway 105 and the fork's juncture with Lake Houston; and

(2) the John Graves Scenic Riverway.

SECTION 2. Section 26.555, Water Code, is amended to read as follows:

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

(1) in the John Graves Scenic Riverway, the

1 commission, the Brazos River Authority, and the Parks and Wildlife
2 Department shall coordinate efforts to conduct each calendar year:

3 (A) [~~(1)~~] visual inspections of the riverway;
4 and

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

7 (2) the commission, the San Jacinto River Authority,
8 and the Parks and Wildlife Department shall coordinate efforts to
9 conduct each calendar year:

10 (A) visual inspections of the watersheds of the
11 portions of the west and east forks of the San Jacinto River in the
12 pilot program area; and

13 (B) testing of water samples drawn from the
14 portions of the west and east forks of the San Jacinto River and
15 their tributaries in the pilot program area.

16 (b) The visual inspections and the drawing of water samples
17 must be conducted at least once in a winter month and at least once
18 in a summer month. The visual inspections must be conducted both
19 from the surface of the riverway or watersheds [~~John Graves Scenic~~
20 ~~Riverway~~] and from an aircraft flying over the riverway or
21 watersheds.

22 SECTION 3. Subchapter M, Chapter 26, Water Code, is amended
23 by adding Section 26.563 to read as follows:

24 Sec. 26.563. ADDITIONAL RECLAMATION REQUIREMENTS IN SAN
25 JACINTO RIVER PORTION OF PILOT PROGRAM AREA. (a) The commission by
26 rule shall require the responsible party for a quarry located less
27 than one mile from a water body in the San Jacinto River portion of

1 the pilot program area to:

2 (1) provide the commission with a reclamation plan for
3 the quarry that provides for restoring the quarry site to a state
4 that is reasonably like the natural state of the land surrounding
5 the quarry site or to a state that is suitable for an intended
6 purpose specified in the plan; and

7 (2) complete the reclamation plan activities within a
8 reasonable time after the quarry operations have ended.

9 (b) The reclamation of the quarry site must be consistent
10 with best management standards and practices adopted by the
11 commission for quarry reclamation and must provide for the quarry
12 excavations to be:

13 (1) stabilized;

14 (2) cleared of waste and debris and, as appropriate,
15 cleared of structures; and

16 (3) refilled, regraded, and recontoured so that water
17 will not accumulate in a manner that may:

18 (A) harm groundwater or surface water quality; or

19 (B) present a risk to public safety.

20 SECTION 4. This Act takes effect September 1, 2007.