

BILL ANALYSIS

C.S.H.B. 3805
By: Frost
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Surface coal mine operators are subject to comprehensive state and federal laws which require water to be available and applied for dust and fire suppression.

Current law allows surface coal mining operations to construct reservoirs for sediment control without obtaining a water rights permit. However, a water quality permit is still required through the Texas Commission on Environmental Quality to ensure that these sedimentation ponds comply with all applicable environmental standards as well as a permit for taking water out of the ponds.

C.S.H.B. 3805 authorizes without obtaining a permit, a person to divert or use water in a reservoir, maintained for the sole purpose of sediment control, to satisfy environmental and safety regulations for fire or dust suppression applicable to a surface coal mining operation under the Texas Surface Coal Mining and Reclamation Act.

RULEMAKING AUTHORITY

It is the Committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

ANALYSIS

SECTION 1. Amends Section 11.142(d), Water Code, as follows:

Subsection (d) Authorizes a person to divert and use water in a reservoir, maintained for the sole purpose of sediment control, to satisfy environmental and safety regulations for fire or dust suppression applicable to a surface coal mining operation under the Texas Surface Coal Mining and Reclamation Act.

SECTION 2. Requires the Texas Commission on Environmental Quality to adopt rules to implement Section 11.142(d), Water Code, as amended by this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3805 differs from the original by updating a statutory reference to reflect the incorporation of the Texas Surface Coal Mining and Reclamation Act into Chapter 134, Natural Resources Code.