

BILL ANALYSIS

S.B. 1711
By: Hegar
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 74th Legislature enacted a statute under the Texas Water Code that 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 ("TCEQ") to ensure that these sedimentation ponds comply with all applicable environmental standards as well as a permit for taking water out of the ponds.

S.B. 1711 authorizes a person to construct or maintain a reservoir to divert or use sedimentation pond water to satisfy environmental and safety laws and regulations, including fire and 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, to authorize a person, without obtaining a permit, to construct or maintain a reservoir as part of a surface coalmining operation under Chapter 134 (Texas Surface Coal Mining and Reclamation Act), Natural Resources Code, if the water in the reservoir is used solely for sediment control or in compliance with the applicable laws, rules, or regulations relating to fire or dust suppression. Deletes existing text authorizing a person to construct or maintain a reservoir for the sole purpose of sediment control as part of a surface coal mining operation under the Texas Surface Coal Mining and Reclamation Act (Article 5920-11, V.T.C.S.).

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, not later than January 1, 2010.

SECTION 3. Provides the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the 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.