

## **BILL ANALYSIS**

Senate Research Center

S.B. 1711  
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Natural Resources  
3/25/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 74th Legislature enacted a statute under 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.

As proposed, S.B. 1711 authorizes a person to construct or maintain a reservoir to use sedimentation pond water for fire or dust suppression applicable to a surface coal mining operation under the Texas Surface Coal Mining and Reclamation Act.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.142(d), Water Code, to authorize a person, without obtaining a permit, to construct or maintain a reservoir for the sole purpose of sediment control and divert and use the water to satisfy environmental and safety regulations for fire or dust suppression, applicable to, rather than a 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, not later than January 1, 2010, to adopt rules as necessary to implement Sections [*sic*] 11.142(d), Water Code, as amended by this Act.

SECTION 3. Effective date: upon passage or September 1, 2009.