

AN ACT

relating to the use of reservoirs for sediment control or to satisfy certain environmental and safety requirements at surface mining operations.

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

SECTION 1. Subsection (d), Section 11.142, Water Code, is amended to read as follows:

(d) Without obtaining a permit, a person may construct or maintain a reservoir [~~for the sole purpose of sediment control~~] as part of a surface coal mining operation under Chapter 134, Natural Resources Code, if the water in the reservoir is used solely for:

(1) sediment control; or

(2) compliance with applicable laws, rules, or regulations relating to fire or dust suppression [~~the Texas Surface Coal Mining and Reclamation Act (Article 5920-11, Vernon's Texas Civil Statutes)]~~.

SECTION 2. The Texas Commission on Environmental Quality shall adopt rules to implement Subsection (d), Section 11.142, Water Code, as amended by this Act, not later than January 1, 2010.

SECTION 3. 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.

S.B. No. 1711

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1711 passed the Senate on April 8, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1711 passed the House on May 6, 2009, by the following vote: Yeas 146, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor