

1-1 By: Hegar S.B. No. 1711
1-2 (In the Senate - Filed March 10, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 2, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 2, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1711 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the use of sediment control ponds to satisfy
1-11 environmental and safety requirements at surface mining
1-12 operations.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (d), Section 11.142, Water Code, is
1-15 amended to read as follows:

1-16 (d) Without obtaining a permit, a person may construct or
1-17 maintain a reservoir for the ~~[sole]~~ purpose of sediment control and
1-18 to divert or use the water to satisfy environmental and safety laws
1-19 and regulations, including fire and dust suppression, applicable to
1-20 [as part of] a surface coal mining operation under Chapter 134,
1-21 Natural Resources Code [the Texas Surface Coal Mining and
1-22 Reclamation Act (Article 5920-11, Vernon's Texas Civil Statutes)].

1-23 SECTION 2. The Texas Commission on Environmental Quality
1-24 shall adopt rules to implement Subsection (d), Section 11.142,
1-25 Water Code, as amended by this Act, not later than January 1, 2010.

1-26 SECTION 3. This Act takes effect immediately if it receives
1-27 a vote of two-thirds of all the members elected to each house, as
1-28 provided by Section 39, Article III, Texas Constitution. If this
1-29 Act does not receive the vote necessary for immediate effect, this
1-30 Act takes effect September 1, 2009.

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