

By: Ellis

S.B. No. 2215

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the storage of coal ash.

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

SECTION 1. Subchapter D, Chapter 26, Water Code, is amended by adding Section 26.133 to read as follows:

Sec. 26.133. COAL ASH RETENTION FACILITIES. (a) In this section, "coal ash retention facility" means a surface impoundment, pit, pond, or lagoon containing fly ash and bottom ash resulting from coal combustion.

(b) The owner or operator of a coal ash retention facility shall ensure that the facility has a liner designed by an engineer who holds a license issued under Chapter 1001, Occupations Code, to minimize surface water and groundwater pollution risks. The liner must meet standards at least as stringent as those adopted by the commission for a Type I landfill managing Class I industrial solid waste.

(c) The commission shall develop and implement groundwater monitoring requirements for coal ash retention facilities.

(d) The commission shall adopt rules as necessary to administer and enforce this section.

SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009.

(b) Section 26.133(b), Water Code, as added by this Act, takes effect September 1, 2010.