

By: Zaffirini

S.B. No. 2162

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a prohibition on the approval by the Railroad
3 Commission of Texas of an application for a permit for a commercial
4 surface disposal facility located near certain reservoirs.

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

6 SECTION 1. Subchapter D, Chapter 91, Natural Resources
7 Code, is amended by adding Section 91.118 to read as follows:

8 Sec. 91.118. COMMERCIAL SURFACE DISPOSAL FACILITY
9 PROHIBITED NEAR CERTAIN RESERVOIRS. (a) In this section,
10 "commercial surface disposal facility" has the meaning assigned by
11 Section 91.116.

12 (b) The commission may not approve an application for a
13 permit for a commercial surface disposal facility if any part of the
14 site of the facility is located less than 20 miles upstream of or
15 up-drainage from the maximum elevation of the surface of a
16 reservoir project that:

17 (1) has been constructed or is under construction by
18 the United States Bureau of Reclamation or the United States Army
19 Corps of Engineers; or

20 (2) has been approved for construction by the Texas
21 Water Development Board as part of the state water plan under
22 Subchapter C, Chapter 16, Water Code.

23 SECTION 2. The change in law made by this Act applies only
24 to an application for a permit that is pending before the Railroad

1 Commission of Texas on or after the effective date of this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2017.