

## **BILL ANALYSIS**

Senate Research Center

S.B. 2568  
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4/24/2025  
As Filed

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

Plum Creek Conservation District (district) was formed in 1957 by the Texas Legislature for the purpose of flood control. During the 1960s and 1970s, twenty-eight flood control structures were built on the tributaries of Plum Creek in Hays and Caldwell Counties by the Soil Conservation Service. The flood control structures, which are monitored, operated, and maintained by the district, catch and store flood waters during normal and extreme rain events, which are then released downstream at an engineered rate.

Texas has long engaged in flood prevention strategies, including construction of flood control ponds in historically rural areas across the state. Usual permitting is a long and thorough process, taking up to a year.

S.B. 2568 would enable a qualified district sponsor to use a permit exemption in order to either divert water from the reservoir as needed for the limited purpose of using the water to repair, maintain, or rehabilitate the dam or reservoir; or construct or maintain on property owned or controlled by the sponsor, a storage facility of not more than 200 acre feet of water for the purposes of erosion, floodwater, and sediment control. By allowing a permit exemption, the dam and surrounding natural infrastructure can be maintained in a timely manner.

As proposed, S.B. 2568 amends current law relating to the exempt use of flood control reservoirs constructed pursuant to Public Law P.L. 83-566 by qualified local sponsors.

### **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 Subchapter D, Chapter 11, Water Code, by adding Section 11.1423, as follows:

Sec. 11.1423. PERMIT EXEMPTION FOR SPONSORED FLOOD CONTROL RESERVOIRS. (a) Authorizes a district operating as a qualified local sponsor (sponsor), without obtaining a permit, to:

(1) construct or maintain on property owned or controlled by the sponsor a dam or reservoir with normal storage of not more than 200 acre-feet of water for purposes of erosion, floodwater, and sediment control; and

(2) divert water from the reservoir as needed for the limited purpose of using the water to repair, maintain, rehabilitate the impoundment and associated works of improvement to maintain the operational integrity and purpose of the dam or reservoir.

(b) Defines "qualified local sponsor."

(c) Prohibits the exempt status of the reservoir and the beneficial uses authorized by this section from being affected by the subsequent termination of the agreement between the district and United States so long as the reservoir continues to be owned or controlled by the district for the purposes contemplated by this section.

SECTION 2. Requires the Texas Commission on Environmental Quality to adopt rules to implement Section 11.1423, Water Code, as amended by this Act, not later than January 1, 2026.

SECTION 3. Effective date: upon passage or September 1, 2025.