

## **BILL ANALYSIS**

Senate Research Center  
89R26052 CMO-F

C.S.S.B. 2568  
By: Zaffirini  
Water, Agriculture and Rural Affairs  
4/28/2025  
Committee Report (Substituted)

### **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.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2568 amends current law relating to an exemption from the requirement to obtain a permit from the Texas Commission on Environmental Quality for certain dams or reservoirs operated and maintained for the purposes of erosion, floodwater, and sediment control.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.121, Water Code, to create an exception under Section 11.1423.

SECTION 2. Amends Subchapter D, Chapter 11, Water Code, by adding Section 11.1423, as follows:

Sec. 11.1423. PERMIT EXEMPTION FOR CERTAIN DAMS OR RESERVOIRS FOR EROSION, FLOODWATER, AND SEDIMENT CONTROL. (a) Defines "qualified local sponsor."

(b) Authorizes 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 dam or reservoir as needed in order to repair, maintain, or rehabilitate the impoundment and associated works of improvement so as to maintain the operational integrity and purpose of the dam or reservoir.

(c) Provides that the termination of an agreement between a sponsor and the United States Department of Agriculture's Natural Resources Conservation Service does not affect the exemption described by Subsection (b), provided that the dam or reservoir continues to be owned or controlled by the sponsor for the purposes of erosion, floodwater, and sediment control.

SECTION 3. 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 4. Effective date: upon passage or September 1, 2025.