

By: Zaffirini
(Gerdes)

S.B. No. 2568

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an exemption from the requirement to obtain a permit
3 from the Texas Commission on Environmental Quality for certain dams
4 or reservoirs operated and maintained for the purposes of erosion,
5 floodwater, and sediment control.

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

7 SECTION 1. Section 11.121, Water Code, is amended to read as
8 follows:

9 Sec. 11.121. PERMIT REQUIRED. Except as provided in
10 Sections 11.1405, 11.142, 11.1421, 11.1422, 11.1423, and 18.003, no
11 person may appropriate any state water or begin construction of any
12 work designed for the storage, taking, or diversion of water
13 without first obtaining a permit from the commission to make the
14 appropriation.

15 SECTION 2. Subchapter D, Chapter 11, Water Code, is amended
16 by adding Section 11.1423 to read as follows:

17 Sec. 11.1423. PERMIT EXEMPTION FOR CERTAIN DAMS OR
18 RESERVOIRS FOR EROSION, FLOODWATER, AND SEDIMENT CONTROL. (a) In
19 this section, "qualified local sponsor" means a district or
20 authority created under Section 52(b)(1) or (2), Article III, or
21 Section 59, Article XVI, Texas Constitution, that has entered into
22 an agreement with the United States Department of Agriculture's
23 Natural Resources Conservation Service pursuant to the Watershed
24 Protection and Flood Prevention Act (16 U.S.C. Section 1001) to

1 serve as a local sponsor to operate and maintain a dam or reservoir
2 for purposes of erosion, floodwater, and sediment control.

3 (b) Without obtaining a permit, a qualified local sponsor
4 may:

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

9 (2) divert water from the dam or reservoir as needed in
10 order to repair, maintain, or rehabilitate the impoundment and
11 associated works of improvement so as to maintain the operational
12 integrity and purpose of the dam or reservoir.

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

20 SECTION 3. The Texas Commission on Environmental Quality
21 shall adopt rules to implement Section 11.1423, Water Code, as
22 added by this Act, not later than January 1, 2026.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2025.