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p. 10

AN ACT

1
2 relating to the use of reservoirs for sediment control or to satisfy
3 certain environmental and safety requirements at surface mining
4 operations.

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

6 SECTION 1. Subsection (d), Section 11.142, Water Code, is
7 amended to read as follows:

8 (d) Without obtaining a permit, a person may construct or
9 maintain a reservoir [~~for the sole purpose of sediment control~~] as
10 part of a surface coal mining operation under Chapter 134, Natural
11 Resources Code, if the water in the reservoir is used solely for:

- 12 (1) sediment control; or
- 13 (2) compliance with applicable laws, rules, or
14 regulations relating to fire or dust suppression [~~the Texas Surface~~
15 ~~Coal Mining and Reclamation Act (Article 5920-11, Vernon's Texas~~
16 ~~Civil Statutes)~~].

17 SECTION 2. The Texas Commission on Environmental Quality
18 shall adopt rules to implement Subsection (d), Section 11.142,
19 Water Code, as amended by this Act, not later than January 1, 2010.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.

S.B. No. 1711

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1711 passed the Senate on April 8, 2009, by the following vote: Yeas 31, Nays 0. _____

Secretary of the Senate

I hereby certify that S.B. No. 1711 passed the House on May 6, 2009, by the following vote: Yeas 146, Nays 0, two present not voting. _____

Chief Clerk of the House

Approved:

19 MAY '09
Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

MAY 19 2009

Secretary of State