

SUBJECT: Exemptions from water use permits for surface mining ponds

COMMITTEE: Energy Resources — favorable, without amendment

VOTE: 6 ayes — Holzheuser, West, Hawley, Jackson, Ramsay, Torres
0 nays
3 absent — Dutton, Hirschi, Smithee

SENATE VOTE: On final passage, April 6 — 30-0

WITNESSES: For — Wade Stansell, Texas Utilities
Against — None

BACKGROUND: The federal Surface Mining and Reclamation Act and the Texas Railroad Commission require surface mining operations to build sedimentation ponds to collect rain water running across the mined property. Sedimentation ponds catch silt, mud and other debris from the mined property to prevent the contamination of local water supplies.

DIGEST: SB 651 would allow a surface coal mining operation to construct or maintain a sedimentation pond without having to obtain a permit to use state water from the Texas Natural Resource Conservation Commission (TNRCC). The provision would apply if the operation's only purpose for constructing the pond is to control sediment as required by the Texas Surface Coal Mining and Reclamation Act. The bill would take effect September 1, 1995.

SUPPORTERS SAY: TNRCC issues water use permits to control the use of state water. Surface mining operations should be exempt from the requirement to obtain these permits because these sedimentation ponds do not use or consume state water, they only retain water for treating runoff. The permit exemption proposed by this bill would save both mining companies and TNRCC time, effort and money.

Federal agencies including the Office of Surface Mining, the Environmental Protection Agency and the Mine Safety and Health Administration and state agencies including the Railroad Commission and TNRCC would continue to regulate surface mining operations to protect the environment.

OPPONENTS
SAY:

No apparent opposition.