School
Zapata High School

Senate Committee
N/A

Senate Author
Sebastian Zapata

House Committee
Natural Resources

House Authors
Christopher Covarrubias
Santos Gonzalez

Lobbyist
Dilyanna Chapa

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Texas Reservoir Swift Repair Act

HB 29

Bill Analysis

BACKGROUND & PURPOSE

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

This bill would enable a qualified district sponsor to use a permit exemption either to 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 to 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.

This bill 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, without obtaining a permit, to construct or maintain on property owned or controlled by the qualified local sponsor a dam or reservoir with normal storage of not more than 200 acre-feet of water for the purposes of erosion, floodwater, and sediment control and divert water from the dam or reservoir as needed in order to repair, maintain, or rehabilitate the impoundment and associated works of

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EST. 2003

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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 qualified local 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 qualified local 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 added by this Act, not later than April 1, 2027.

EFFECTIVE DATE
Upon passage or on January 1, 2027.