

BILL ANALYSIS

Senate Research Center

S.B. 1910
By: Ratliff
Natural Resources
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As Filed

DIGEST

Currently, the Texas Natural Resource Conservation Commission's (TNRCC) regulations on the discharge of waste into waters of the state exempt poultry operations that do not have liquid waste handling systems. Most poultry houses fall within this exemption because they operate with a dry waste handling system. For those unregulated facilities, poultry litter is often stockpiled and disposed of without any effort to protect the waters of the state. Additionally, in the poultry industry, the occurrence of deaths of chickens in large quantities is not unusual. These deaths can occur from disease or climatic conditions. In such instances, there are no state laws which relate to the disposal of these chicken carcasses. Some poultry producers dispose of dead chickens in open, unlined pits, similar to a landfill. This bill will provide regulations relating to the disposal and handling of poultry and poultry litter.

PURPOSE

As proposed, S.B. 1910 provides regulations relating to the disposal and handling of poultry and poultry litter.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Sections 26.276(f) and 26.277(b), Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 26, Water Code, by adding Subchapter H, as follows:

SUBCHAPTER H. POULTRY OPERATIONS

Sec. 26.275. DEFINITIONS. Defines "average daily basis," "commission," "executive director," "feedlot/concentrated animal feeding operation," "housed lot," "major enforcement action," "operator," "registrant," "poultry facility," "poultry," "poultry carcasses," "poultry litter," "provider," "refrigerated," "user," and "wastewater."

Sec. 26.276. POULTRY LITTER, DEAD POULTRY AND UNHATCHED OR UNUSED EGGS. Provides that the purpose of this section is to control, eradicate, and prevent the spread of contagious and infectious diseases of poultry, and the protection of water quality through the proper destruction and disposal of dead poultry, unhatched or unused eggs and other poultry litter by requiring commercial growers of poultry and commercial hatcheries to be equipped with and to use disposal facilities as provided by this section. Sets forth regulations regarding disposal of poultry litter, dead poultry and unhatched or unused eggs. Requires the Texas Natural Resource Conservation Commission (TNRCC) to prescribe rules pertaining to minimum requirements of the safe and adequate storage, handling, and transportation of poultry carcasses at and from poultry facilities.

Sec. 26.277. DISPOSAL OF POULTRY CARCASSES. Provides that the disposal of poultry carcasses by open pit burial, landfill or other similar disposal is prohibited. Authorizes carcasses to be disposed in landfills permitted by the TNRCC to receive municipal solid waste. Requires TNRCC, by regulation, to specify other acceptable methods for the disposal

of poultry carcasses, including, but not limited to certain methods. Prohibits this section from affecting other requirements if law, in any, for the permitting of any of the disposal activities in Subsection (b).

Sec. 26.278. EXEMPTIONS. Provides that the provisions of this section do not apply to persons with flocks of 3,000 poultry or less on an average daily basis, unless TNRCC determines, upon hearing and notice, that the person's means of disposal constitutes a disease threat.

Sec. 26.279. IMPROPER DISPOSAL OR TRANSPORTATION OF CARCASSES. Provides that a person commits a Class B misdemeanor if the person disposes of a poultry carcass, in violation of the provisions of Section 26.277 of this subchapter, or if the person transports or arranges for transportation in violation of the provisions of Section 26.276(d).

Sec. 26.280. DISPOSAL AND HANDLING OF POULTRY LITTER. Sets forth regulations regarding disposal and handling of poultry litter.

Sec. 26.281. Requires TNRCC to regulate discharges from poultry related concentrated animal feeding operations and to regulate all poultry operations which stable, and confine and feed or maintain for a total of 45 days or more in any 12-month period more than 3,000 laying hens or broilers. Provides that there shall no differentiation in regulation between facilities which have liquid or dry waste handling systems. Defines "poultry related concentrated animal feeding operations."

SECTION 2. Emergency clause.
Effective date: upon passage.