

BILL ANALYSIS

Senate Research Center
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S.B. 1339
By: Ogden
Natural Resources
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DIGEST AND PURPOSE

Recently, many landowners in East Texas have become contract poultry growers. While most contracts require growers to have a land management plan, concerns have been raised about of poultry waste, odors, and the effect of poultry operations of water quality. Currently, the Texas State Soil and Water Conservation Board (board) operates a voluntary water quality management program to aid producers develop, implement, and maintain site-specific management plans to improve or conserve water resources. In addition, most growers are considered animal feeding operations, rather than confined animal feeding operations, which means they are not required to have a permit from the Texas Natural Resource Conservation Commission (commission). As proposed, S.B. 1339 requires all poultry operators to implement and maintain a water quality management plan certified by the board. The bill also prohibits a poultry operation from being designated a point source of pollution subject to commission regulations unless the operation meets certain criteria.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Soil and Water Conservation Board and to the Texas Natural Resource Conservation Commission in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.302, Water Code, by adding a new Subsection (b) to require a person who owns or operates a poultry facility to implement and maintain a water quality management plan (plan) for the facility that is certified by the State Soil and Water Conservation Board (board) under Section 201.026 (Nonpoint Source Pollution), Agriculture Code. Adds a new Subsection (c) to authorize the Texas Natural Resource Conservation Commission (commission) to bring a cause of action to remedy or prevent a violation of this section.

SECTION 2. (a) Requires the board and the commission, as soon as practicable after the effective date of this Act, to adopt rules regarding the certification of plans for poultry facilities and other rules as necessary to implement and administer Section 26.302, Water Code, as amended by this Act.

(b) Requires an owner or operator of a poultry operation required to implement and maintain a plan under Section 26.302, Water Code, as amended by this Act, to apply for a plan with the board before January 1, 2002.

(c) Provides that on or after January 1, 2002, an owner or operator of a poultry operation is not in violation of Section 26.302, Water Code, as amended by this Act, if the owner or operator has applied for certification in accordance with Subsection (b) of this section and the board has not made a determination with regard to certification.

SECTION 3. Sets forth provisions relating to prohibiting a poultry operation from being designated as a point source of pollution under Chapter 26 (Water Quality Control), Water Code.

SECTION 4. (a) Effective date: September 1, 2001, except as provided by Subsection (b) of this

section.

(b) Provides that SECTION 1 of this Act takes effect January 1, 2002.