

## **BILL ANALYSIS**

Senate Research Center  
2001S0930/2

S.B. 1339  
By: Ogden  
Natural Resources  
4/6/2001  
Committee Report (Amended)

### **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 poultry waste, odors, and the effect of poultry operations on water quality. Currently, the Texas State Soil and Water Conservation Board (board) operates a voluntary water quality management program to aid producers to 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 each owner or operator of a poultry facility required to implement and maintain a certified water quality management plan under Section 26.302, Water Code, as amended by this Act, to develop and submit to the board a site-specific water quality management plan according to a specified schedule.

(c) Requires each owner or operator of a poultry facility required to implement and maintain a certified water quality management plan under Section 26.302, Water Code, as amended by this Act, who expands the facility on or after September 1, 2001, to develop and submit to the board a site-specific water quality management plan for the expanded facility before the later of the receipt of additional birds that will occupy the expanded facility or January 1, 2002.

(d) Provides that on or after January 1, 2002, an owner or operator of a poultry facility 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.

#### **SUMMARY OF COMMITTEE CHANGES**

Differs from original in SECTION 2 by eliminating original Subsection (b) and replacing it with a new Subsection (b) that requires each owner or operator of a poultry facility required to implement and maintain a certified water quality management plan under Section 26.302, Water Code, as amended by this Act, to develop and submit to the board a site-specific water quality management plan according to a specified schedule. Further differs from original by adding a new Subsection (c) that requires each owner or operator of a poultry facility required to implement and maintain a certified water quality management plan under Section 26.302, Water Code, as amended by this Act, who expands the facility on or after September 1, 2001, to develop and submit to the board a site-specific water quality management plan for the expanded facility before the later of the receipt of additional birds that will occupy the expanded facility or January 1, 2002, and redesignates original Subsection (c) as Subsection (d). Differs in original Subsection (c), now Subsection (d), by changing the reference from “poultry operation” to “poultry facility.”