

By: Rogers, Harris, Price, Ashby, Landgraf

H.B. No. 3387

Substitute the following for H.B. No. 3387:

By: Dean

C.S.H.B. No. 3387

A BILL TO BE ENTITLED

AN ACT

relating to the authorization for certain land applications and disposal of dairy waste.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1215 to read as follows:

Sec. 361.1215. PERMISSIVE LAND APPLICATION OF DAIRY WASTE.

(a) In this section, "dairy waste" means milk, milk by-products, or milk processing waste that is spilled, spoiled, adulterated, unmarketable, stranded, or otherwise unfit for human consumption produced by a dairy operation.

(b) Notwithstanding any other law, the commission shall issue an authorization by rule for land application of dairy waste.

(c) The commission shall adopt rules governing the land application of dairy waste authorized under this section.

(d) Rules adopted under Subsection (c) must:

(1) minimize the risk of water quality impairment caused by the land application; and

(2) prescribe the conditions under which an authorization is issued, including:

(A) the duration of the authorization;

(B) the location of the land application unit;

(C) the maximum quantity or application rate of dairy waste that may be applied or disposed of under the

1 authorization;

2 (D) the suggested agronomic application rate for
3 the dairy waste or other beneficial uses of the dairy waste; and

4 (E) best management practices for the handling
5 and disposal of dairy waste.

6 SECTION 2. Subchapter B, Chapter 26, Water Code, is amended
7 by adding Section 26.0481 to read as follows:

8 Sec. 26.0481. DISPOSAL OF DAIRY WASTE IN RETENTION
9 FACILITY. (a) In this section, "dairy waste" means milk, milk
10 by-products, or milk processing waste that is spilled, spoiled,
11 adulterated, unmarketable, stranded, or otherwise unfit for human
12 consumption produced at a concentrated animal feeding operation.

13 (b) Notwithstanding any other law and to the extent
14 permitted by federal law, the commission shall adopt rules under
15 this section to allow:

16 (1) the disposal of dairy waste from a concentrated
17 animal feeding operation into a control or retention facility,
18 including a lagoon or playa, as that term is defined by Section
19 26.048; and

20 (2) the land application by irrigation associated with
21 the disposal described by Subdivision (1).

22 (c) Rules adopted under Subsection (b) must:

23 (1) minimize the risk of water quality impairment
24 caused by:

25 (A) the disposal of dairy waste into the control
26 or retention facility; and

27 (B) the land application by irrigation

1 associated with the disposal described by Paragraph (A); and
2 (2) require best management practices to ensure that
3 the disposal of dairy waste into the control or retention facility
4 does not impair water quality.

5 SECTION 3. Not later than March 1, 2022, the Texas
6 Commission on Environmental Quality shall adopt rules necessary to
7 implement Section 361.1215, Health and Safety Code, and Section
8 26.0481, Water Code, as added by this Act.

9 SECTION 4. This Act takes effect September 1, 2021.