

By: Mabry

H.B. No. 2936

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the control of discharges from wastewater retention
3 structures associated with certain concentrated animal feeding
4 operations.

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

6 SECTION 1. Section 26.503, Water Code, is amended by adding
7 Subsections (d-1) and (d-2) to read as follows:

8 (d-1) The commission may not issue a new permit, or amend or
9 renew an existing permit, registration, or permit by rule, or allow
10 by rule an exception to a permit, registration, or permit by rule
11 for a concentrated animal feeding operation that allows any
12 discharge, disposal, or overflow of agricultural waste into or
13 adjacent to waters in the state that are within a major sole source
14 impairment zone, except when caused by a catastrophic rainfall
15 event that would cause an overflow of wastewater from a facility
16 designed, constructed, and properly operated and maintained to
17 contain all wastewater plus the storm water runoff from a 25-year,
18 30-day rainfall event or series of events for the location of the
19 animal feeding operation.

20 (d-2) In Subsection (d-1), "catastrophic rainfall event"
21 means (1) a rainfall event or series of events which would not
22 provide an opportunity for dewatering and which would be equivalent
23 to or greater than the 25-year, 30-day storm event or series of
24 events for the location of the animal feeding operation and (2) a

1 rainfall event or series of events accompanying a tornado,
2 hurricane, or other wind in excess of 75 miles per hour which would
3 not provide an opportunity for dewatering and which causes an
4 overflow or other discharge of wastewater from a retention
5 structure due to the high wind or mechanical or structural damage
6 resulting therefrom.

7 SECTION 2. (a) The change in law made by Subsections
8 26.503(d-1) and (d-2), Water Code, as added by this Act, applies to
9 an application for the issuance, amendment, or renewal of a permit,
10 registration, or permit by rule for a concentrated animal feeding
11 operation that is pending or is submitted to the Texas Commission on
12 Environmental Quality on or after September 1, 2003.

13 (b) This Act takes effect September 12, 2003.