

## BILL ANALYSIS

C.S.H.B. 2370  
By: McReynolds  
Environmental Regulation  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

The Texas Legislature in 2001 required all dry litter poultry producers to obtain a water quality management plan certified by the Texas State Soil and Water Conservation Board (TSSWCB). During this time the US Environmental Protection Agency (EPA) did not require any water quality permits for dry litter facilities because these facilities were considered non-point source facilities. The next year EPA changed the classification of dry litter poultry producers of certain sizes to point source facilities. These facilities will now be governed by the concentrated animal feeding operations (CAFO) regulations which require facilities to have a water permit under the Clean Water Act issued by the Texas Commission on Environmental Quality (TCEQ).

TCEQ has adopted rules dealing with CAFOs and dry litter poultry facilities which will go into effect April 2006. These rules recognize the water quality management plans as a method of meeting the technical requirements for the water quality permit. C.S.H.B. 2370 clarifies that the TSSWCB has the authority to provide technical conservation planning assistance to dry litter facilities who are required to have a water quality permit coverage under the Clean Water Act.

Under current statute, a CAFO is required to obtain a permit from the TCEQ if any part of the CAFO's retention facility will be located within the protection zone of a sole-source surface drinking water supply. These provisions, however, do not consider dry litter poultry operations which have no liquid waste, and thus no potential for discharge within these protected zones.

Dry litter poultry operations currently operate under a water quality management plan which is approved by Texas State Soil and Water Conservation Service. These plans address the location of the dry litter operations and locations of field application sites of this dry litter waste matter.

C.S.H.B. 2370 removes dry litter poultry operations from the TCEQ CAFO permit requirements.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.H.B. 2370 amends the Water Code to allow the State Soil and Water Conservation Board to certify a water quality management plan for a poultry facility that does not use a liquid waste handling system and has obtained a permit or other authorization from the TCEQ. The bill specifies that these provisions do not affect the authority of the TCEQ to investigate or take enforcement action against a point source discharge. The bill amends the Agriculture Code to provide that these provisions apply to a water quality management plan developed or certified for use by a poultry facility under provisions relating to nonpoint source pollution

The bill amends the Water Code to provide that the statute relating to procedures applicable to permits for certain concentrated animal feeding operations do not apply to a poultry operation that does not use a liquid waste handling system.

The bill provides that the section relating to procedures applicable to permits for certain concentrated animal feeding operations do not apply to a poultry operation that does not use a liquid waste handling system.

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The bill sets forth a definition of liquid waste handling system for provisions relating to procedures applicable to permits for certain concentrated animal feeding operations.

**EFFECTIVE DATE**

September 1, 2005

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute allows the State Soil and Water Conservation Board to certify a water quality management plan for a poultry facility that has obtained, rather than is required to obtain, a permit from the TCEQ.

The substitute provides that the statute relating to procedures applicable to permits for certain concentrated animal feeding operations does not apply to a poultry operation that does not use a liquid waste handling system.

The substitute sets forth a definition of liquid waste handling system for provisions relating to procedures applicable to permits for certain concentrated animal feeding operations.