

By: Chisum

H.B. No. 2862

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of a poultry operation that does not use  
3 a liquid waste handling system.

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

5 SECTION 1. Section 26.0286, Water Code, is amended by  
6 adding subsection (d) to read as follows:

7 Section 26.0286. PROCEDURES APPLICABLE TO PERMITS FOR  
8 CERTAIN CONCENTRATED ANIMAL FEEDING OPERATIONS. (a) In this  
9 section:

10 (1) "Sole-source surface drinking water supply" means  
11 a body of surface water that is designated as a sole-source surface  
12 drinking water supply in rules adopted by the commission.

13 (2) "Protection zone" means an area so designated by  
14 commission rule under Subsection (c).

15 (3) "Liquid waste handling system" means a system in  
16 which freshwater or wastewater is used for transporting and land  
17 applying waste.

18 (b) The commission shall process an application for  
19 authorization to construct or operate a concentrated animal feeding  
20 operation as a specific permit under Section 26.028 subject to the  
21 procedures provided by Subchapter M, Chapter 5, if, on the date the  
22 commission determines that the application is administratively  
23 complete, any part of a pen, lot, pond, or other type of control or  
24 retention facility or structure of the concentrated animal feeding

1 operation is located or proposed to be located within the  
2 protection zone of a sole-source surface drinking water supply.  
3 For the purposes of this subsection, a land application area is not  
4 considered a control or retention facility.

5 (c) For the purposes of this section only, when adopting  
6 rules under Section 26.023 to set water quality standards for water  
7 in the state, the commission by rule shall designate a surface water  
8 body as a sole-source surface drinking water supply if that surface  
9 water body is identified as a public water supply in rules adopted  
10 by the commission under Section 26.023 and is the sole source of  
11 supply of a public water supply system, exclusive of emergency  
12 water connections. At the same time, the commission shall  
13 designate as a protection zone any area within the watershed of a  
14 sole-source surface drinking water supply that is:

15 (1) within two miles of the normal pool elevation of a  
16 body of surface water that is a sole-source surface drinking water  
17 supply;

18 (2) within two miles of that part of a perennial stream  
19 that is:

20 (A) a tributary of a sole-source surface drinking  
21 water supply; and

22 (B) within three linear miles upstream of the  
23 normal pool elevation of a sole-source surface drinking water  
24 supply; or

25 (3) within two miles of that part of a stream that is a  
26 sole-source surface drinking water supply, extending three linear  
27 miles upstream from the water supply intake.

1           (d) This section does not apply to a poultry operation that  
2 does not use a liquid waste handling system.

3           SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2005.