

By: Staples

S.B. No. 1709

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 26.0286, Water Code, is amended to read as follows:

Sec. 26.0286. PROCEDURES APPLICABLE TO PERMITS FOR CERTAIN CONCENTRATED ANIMAL FEEDING OPERATIONS. (a) In this section:

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

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

(3) "Liquid waste handling system" means a system in which fresh water or wastewater is used for transporting and land applying waste.

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

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

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

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

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

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

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

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

27 (d) This section does not apply to a poultry operation that

1 does not use a liquid waste handling system.

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