

1-1 By: Staples S.B. No. 1709  
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read  
1-3 first time and referred to Subcommittee on Agriculture and Coastal  
1-4 Resources; April 7, 2005, reported favorably to Committee on  
1-5 Natural Resources; April 13, 2005, reported favorably from  
1-6 Committee on Natural Resources by the following vote: Yeas 8,  
1-7 Nays 0; April 13, 2005, sent to printer.)

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of a poultry operation that does not use  
1-11 a liquid waste handling system.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 26.0286, Water Code, is amended to read  
1-14 as follows:

1-15 Sec. 26.0286. PROCEDURES APPLICABLE TO PERMITS FOR CERTAIN  
1-16 CONCENTRATED ANIMAL FEEDING OPERATIONS. (a) In this section:

1-17 (1) "Sole-source surface drinking water supply" means  
1-18 a body of surface water that is designated as a sole-source surface  
1-19 drinking water supply in rules adopted by the commission.

1-20 (2) "Protection zone" means an area so designated by  
1-21 commission rule under Subsection (c).

1-22 (3) "Liquid waste handling system" means a system in  
1-23 which fresh water or wastewater is used for transporting and land  
1-24 applying waste.

1-25 (b) The commission shall process an application for  
1-26 authorization to construct or operate a concentrated animal feeding  
1-27 operation as a specific permit under Section 26.028 subject to the  
1-28 procedures provided by Subchapter M, Chapter 5, if, on the date the  
1-29 commission determines that the application is administratively  
1-30 complete, any part of a pen, lot, pond, or other type of control or  
1-31 retention facility or structure of the concentrated animal feeding  
1-32 operation is located or proposed to be located within the  
1-33 protection zone of a sole-source surface drinking water supply.  
1-34 For the purposes of this subsection, a land application area is not  
1-35 considered a control or retention facility.

1-36 (c) For the purposes of this section only, when adopting  
1-37 rules under Section 26.023 to set water quality standards for water  
1-38 in the state, the commission by rule shall designate a surface water  
1-39 body as a sole-source surface drinking water supply if that surface  
1-40 water body is identified as a public water supply in rules adopted  
1-41 by the commission under Section 26.023 and is the sole source of  
1-42 supply of a public water supply system, exclusive of emergency  
1-43 water connections. At the same time, the commission shall  
1-44 designate as a protection zone any area within the watershed of a  
1-45 sole-source surface drinking water supply that is:

1-46 (1) within two miles of the normal pool elevation of a  
1-47 body of surface water that is a sole-source surface drinking water  
1-48 supply;

1-49 (2) within two miles of that part of a perennial stream  
1-50 that is:

1-51 (A) a tributary of a sole-source surface drinking  
1-52 water supply; and

1-53 (B) within three linear miles upstream of the  
1-54 normal pool elevation of a sole-source surface drinking water  
1-55 supply; or

1-56 (3) within two miles of that part of a stream that is a  
1-57 sole-source surface drinking water supply, extending three linear  
1-58 miles upstream from the water supply intake.

1-59 (d) This section does not apply to a poultry operation that  
1-60 does not use a liquid waste handling system.

1-61 SECTION 2. This Act takes effect immediately if it receives  
1-62 a vote of two-thirds of all the members elected to each house, as  
1-63 provided by Section 39, Article III, Texas Constitution. If this  
1-64 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2005.

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