

By: McReynolds

H.B. No. 1719

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring landowners to report the burial of certain
3 animal carcasses.

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

5 SECTION 1. Sections 201.026(b), (c), (h), (i), and (j),
6 Agriculture Code, are amended to read as follows:

7 (b) As the lead agency, the state board shall:

8 (1) plan, implement, and manage programs and practices
9 for abating agricultural and silvicultural nonpoint source
10 pollution;

11 (2) have as a goal:

12 (A) setting priorities among voluntary efforts
13 to reduce nonpoint source pollution and promoting those efforts in
14 a manner consistent with the priorities; and

15 (B) assisting landowners to prevent regulatory
16 enforcement actions related to nonpoint source pollution; and

17 (3) provide to the agricultural community information
18 regarding the jurisdictions of the state board and the Texas
19 ~~[Natural Resource Conservation]~~ Commission on Environmental
20 Quality related to nonpoint source pollution.

21 (c) Except as required by Subchapter L, Chapter 26, Water
22 Code, a permit or other authorization is not required under that
23 chapter as a prerequisite for the land application of animal waste
24 for beneficial use at agronomic rates to property that is not owned

1 or controlled by the owner or operator of a facility that Chapter
2 26, Water Code, requires to hold a permit or other authorization.
3 This section does not affect the authority of the Texas [~~Natural~~
4 ~~Resource Conservation~~] Commission on Environmental Quality to
5 investigate or take enforcement action against a point source
6 discharge under Section 26.121, Water Code.

7 (h) The state board shall notify the Texas [~~Natural Resource~~
8 ~~Conservation~~] Commission on Environmental Quality not later than
9 the 10th business day after the date the state board decertifies a
10 water quality management plan for an animal feeding operation.

11 (i) The state board shall update the state board's
12 identification of priority areas for the control of nonpoint source
13 pollution at least every four years. The state board, in
14 considering changes to the identified priority areas, shall
15 consider:

16 (1) bodies of water the Texas [~~Natural Resource~~
17 ~~Conservation~~] Commission on Environmental Quality has identified
18 as impaired through the state water quality assessment process;

19 (2) threatened areas in which action is necessary to
20 prevent nonpoint source pollution; and

21 (3) other areas of concern, including groundwater
22 concerns.

23 (j) Complaints concerning a violation of a water quality
24 management plan or a violation of a law or rule relating to
25 agricultural or silvicultural nonpoint source pollution under the
26 jurisdiction of the state board shall be referred to the state
27 board. The state board, in cooperation with the local soil and

1 water conservation district, shall investigate the complaint. On
2 completion of the investigation, the state board, in consultation
3 with the soil and water conservation district, either shall
4 determine that further action is not warranted or shall develop and
5 implement a corrective action plan to address the complaint. If the
6 person about whom the complaint has been made fails or refuses to
7 take corrective action, the state board shall refer the complaint
8 to the Texas [~~Natural Resource Conservation~~] Commission on
9 Environmental Quality.

10 SECTION 2. Sections 201.026(f) and (g), Agriculture Code,
11 as added by Chapter 1095, Acts of the 77th Legislature, Regular
12 Session, 2001, are amended to read as follows:

13 (f) The state board shall represent the state before the
14 federal Environmental Protection Agency or other federal agencies
15 on a matter relating to agricultural or silvicultural nonpoint
16 source pollution. Nothing herein shall impair the ability of:

17 (1) the General Land Office to represent the state
18 before any federal agency in matters relating to the state's
19 participation in the federal coastal zone management program;

20 (2) the Texas [~~Natural Resource Conservation~~]
21 Commission on Environmental Quality to represent the state before
22 any federal agency in matters relating to the state's overall
23 participation in the Federal Water Pollution Control Act (33 U.S.C.
24 Section 1251 et seq.); or

25 (3) the Texas Department of Agriculture to represent
26 the state before any federal agency in matters relating to the
27 state's overall participation in the Federal Insecticide,

1 Fungicide, and Rodenticide Act (7 U.S.C. Section 136 et seq.).

2 (g) In an area that the state board identifies as having or
3 having the potential to develop agricultural or silvicultural
4 nonpoint source water quality problems or an area within the
5 "coastal zone" designated by the Coastal Coordination Council, the
6 state board shall establish a water quality management plan
7 certification program that provides, through local soil and water
8 conservation districts, for the development, supervision, and
9 monitoring of individual water quality management plans for
10 agricultural and silvicultural lands. Each plan must be developed,
11 maintained, and implemented under rules and criteria adopted by the
12 state board and comply with state water quality standards
13 established by the Texas [~~Natural Resource Conservation~~]
14 Commission on Environmental Quality. The state board shall certify
15 a plan that satisfies the state board's rules and criteria and
16 complies with state water quality standards established by the
17 Texas [~~Natural Resource Conservation~~] Commission on Environmental
18 Quality under the commission's exclusive authority to set water
19 quality standards for all water in the state.

20 SECTION 3. Section 201.026(g), Agriculture Code, as added
21 by Chapter 1189, Acts of the 77th Legislature, Regular Session,
22 2001, is amended to read as follows:

23 (g) The Texas Commission on Environmental Quality
24 [~~commission~~] may not require a landowner who requests and complies
25 with a water quality management plan under Subsection (f) to record
26 the burial of animal carcasses in the county deed records or report
27 the burial to the commission.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.