

1-1 By: McReynolds (Senate Sponsor - Nichols) H.B. No. 1719  
1-2 (In the Senate - Received from the House April 30, 2007;  
1-3 May 2, 2007, read first time and referred to Subcommittee on  
1-4 Agriculture, Rural Affairs and Coastal Resources; May 19, 2007,  
1-5 reported favorably from Committee on Natural Resources by the  
1-6 following vote: Yeas 11, Nays 0; May 19, 2007, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to requiring landowners to report the burial of certain  
1-10 animal carcasses.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 201.026(b), (c), (h), (i), and (j),  
1-13 Agriculture Code, are amended to read as follows:

1-14 (b) As the lead agency, the state board shall:

1-15 (1) plan, implement, and manage programs and practices  
1-16 for abating agricultural and silvicultural nonpoint source  
1-17 pollution;

1-18 (2) have as a goal:

1-19 (A) setting priorities among voluntary efforts  
1-20 to reduce nonpoint source pollution and promoting those efforts in  
1-21 a manner consistent with the priorities; and

1-22 (B) assisting landowners to prevent regulatory  
1-23 enforcement actions related to nonpoint source pollution; and

1-24 (3) provide to the agricultural community information  
1-25 regarding the jurisdictions of the state board and the Texas  
1-26 [~~Natural Resource Conservation~~] Commission on Environmental  
1-27 Quality related to nonpoint source pollution.

1-28 (c) Except as required by Subchapter L, Chapter 26, Water  
1-29 Code, a permit or other authorization is not required under that  
1-30 chapter as a prerequisite for the land application of animal waste  
1-31 for beneficial use at agronomic rates to property that is not owned  
1-32 or controlled by the owner or operator of a facility that Chapter  
1-33 26, Water Code, requires to hold a permit or other authorization.  
1-34 This section does not affect the authority of the Texas [~~Natural~~  
1-35 ~~Resource Conservation~~] Commission on Environmental Quality to  
1-36 investigate or take enforcement action against a point source  
1-37 discharge under Section 26.121, Water Code.

1-38 (h) The state board shall notify the Texas [~~Natural Resource~~  
1-39 ~~Conservation~~] Commission on Environmental Quality not later than  
1-40 the 10th business day after the date the state board decertifies a  
1-41 water quality management plan for an animal feeding operation.

1-42 (i) The state board shall update the state board's  
1-43 identification of priority areas for the control of nonpoint source  
1-44 pollution at least every four years. The state board, in  
1-45 considering changes to the identified priority areas, shall  
1-46 consider:

1-47 (1) bodies of water the Texas [~~Natural Resource~~  
1-48 ~~Conservation~~] Commission on Environmental Quality has identified  
1-49 as impaired through the state water quality assessment process;

1-50 (2) threatened areas in which action is necessary to  
1-51 prevent nonpoint source pollution; and

1-52 (3) other areas of concern, including groundwater  
1-53 concerns.

1-54 (j) Complaints concerning a violation of a water quality  
1-55 management plan or a violation of a law or rule relating to  
1-56 agricultural or silvicultural nonpoint source pollution under the  
1-57 jurisdiction of the state board shall be referred to the state  
1-58 board. The state board, in cooperation with the local soil and  
1-59 water conservation district, shall investigate the complaint. On  
1-60 completion of the investigation, the state board, in consultation  
1-61 with the soil and water conservation district, either shall  
1-62 determine that further action is not warranted or shall develop and  
1-63 implement a corrective action plan to address the complaint. If the  
1-64 person about whom the complaint has been made fails or refuses to

2-1 take corrective action, the state board shall refer the complaint  
2-2 to the Texas [~~Natural Resource Conservation~~] Commission on  
2-3 Environmental Quality.

2-4 SECTION 2. Sections 201.026(f) and (g), Agriculture Code,  
2-5 as added by Chapter 1095, Acts of the 77th Legislature, Regular  
2-6 Session, 2001, are amended to read as follows:

2-7 (f) The state board shall represent the state before the  
2-8 federal Environmental Protection Agency or other federal agencies  
2-9 on a matter relating to agricultural or silvicultural nonpoint  
2-10 source pollution. Nothing herein shall impair the ability of:

2-11 (1) the General Land Office to represent the state  
2-12 before any federal agency in matters relating to the state's  
2-13 participation in the federal coastal zone management program;

2-14 (2) the Texas [~~Natural Resource Conservation~~]  
2-15 Commission on Environmental Quality to represent the state before  
2-16 any federal agency in matters relating to the state's overall  
2-17 participation in the Federal Water Pollution Control Act (33 U.S.C.  
2-18 Section 1251 et seq.); or

2-19 (3) the Texas Department of Agriculture to represent  
2-20 the state before any federal agency in matters relating to the  
2-21 state's overall participation in the Federal Insecticide,  
2-22 Fungicide, and Rodenticide Act (7 U.S.C. Section 136 et seq.).

2-23 (g) In an area that the state board identifies as having or  
2-24 having the potential to develop agricultural or silvicultural  
2-25 nonpoint source water quality problems or an area within the  
2-26 "coastal zone" designated by the Coastal Coordination Council, the  
2-27 state board shall establish a water quality management plan  
2-28 certification program that provides, through local soil and water  
2-29 conservation districts, for the development, supervision, and  
2-30 monitoring of individual water quality management plans for  
2-31 agricultural and silvicultural lands. Each plan must be developed,  
2-32 maintained, and implemented under rules and criteria adopted by the  
2-33 state board and comply with state water quality standards  
2-34 established by the Texas [~~Natural Resource Conservation~~]  
2-35 Commission on Environmental Quality. The state board shall certify  
2-36 a plan that satisfies the state board's rules and criteria and  
2-37 complies with state water quality standards established by the  
2-38 Texas [~~Natural Resource Conservation~~] Commission on Environmental  
2-39 Quality under the commission's exclusive authority to set water  
2-40 quality standards for all water in the state.

2-41 SECTION 3. Section 201.026(g), Agriculture Code, as added  
2-42 by Chapter 1189, Acts of the 77th Legislature, Regular Session,  
2-43 2001, is amended to read as follows:

2-44 (g) The Texas Commission on Environmental Quality  
2-45 [~~commission~~] may not require a landowner who requests and complies  
2-46 with a water quality management plan under Subsection (f) to record  
2-47 the burial of animal carcasses in the county deed records or report  
2-48 the burial to the commission.

2-49 SECTION 4. This Act takes effect immediately if it receives  
2-50 a vote of two-thirds of all the members elected to each house, as  
2-51 provided by Section 39, Article III, Texas Constitution. If this  
2-52 Act does not receive the vote necessary for immediate effect, this  
2-53 Act takes effect September 1, 2007.

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