

AN ACT

relating to the performance of annual soil tests for certain concentrated animal feeding operations by the Texas Commission on Environmental Quality.

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

SECTION 1. Subsections (a) and (b), Section 26.504, Water Code, are amended to read as follows:

(a) The commission shall ~~[operator of a concentrated animal feeding operation shall contract with a person described by Section 26.503(b)(2)(E)(ii) selected by the executive director to]~~ collect one or more representative composite soil samples from each permitted waste application field associated with a concentrated animal feeding operation. The commission ~~[operator]~~ shall perform the ~~[have]~~ sampling ~~[performed]~~ under this subsection not less often than once every 12 months. Sampling results obtained by the commission shall be used by the permitted concentrated animal feeding operator to satisfy any annual sampling of permitted waste application fields required by commission rule or individual permit.

(b) Each sample collected under this section must be tested for phosphorus and any other nutrient designated by the commission ~~[executive director]~~. The commission may have the sampling required by this section performed under contract. The sampling must be performed by a person described by Section

1 26.503(b)(2)(E)(ii). The test results must be made available to
2 the [~~executive director and the~~] operator of the concentrated
3 animal feeding operation. The test results are public records of
4 the commission.

5 SECTION 2. Subsection (f), Section 26.504, Water Code, is
6 repealed.

7 SECTION 3. This Act takes effect June 1, 2010.

S.B. No. 876

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 876 passed the Senate on April 16, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 876 passed the House on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor