

By: Averitt

S.B. No. 876

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the performance of annual soil tests for certain
3 concentrated animal feeding operations by the Texas Commission on
4 Environmental Quality.

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

6 SECTION 1. Sections 26.504(a) and (b), Water Code, are
7 amended to read as follows:

8 (a) The commission shall ~~[operator of a concentrated animal~~
9 ~~feeding operation shall contract with a person described by Section~~
10 ~~26.503(b)(2)(E)(ii) selected by the executive director to]~~ collect
11 one or more representative composite soil samples from each waste
12 application field associated with a permitted concentrated animal
13 feeding operation. The commission ~~[operator]~~ shall perform the
14 ~~[have]~~ sampling ~~[performed]~~ under this subsection not less often
15 than once every 12 months. Sampling results obtained by the
16 commission shall be used by the permitted concentrated animal
17 feeding operator to satisfy any annual sampling of waste
18 application fields required by commission rule or individual
19 permit.

20 (b) Each sample collected under this section must be tested
21 for phosphorus and any other nutrient designated by the commission
22 ~~[executive director]~~. ~~[The test results must be made available to~~
23 ~~the executive director and the operator of the concentrated animal~~
24 ~~feeding operation. The test results are public records of the~~

1 ~~commission.]~~

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 Section 26.504(f), Water Code, is repealed.

3 SECTION 3. This Act takes effect September 1, 2009.