

By: Rogers

H.B. No. 3387

A BILL TO BE ENTITLED

AN ACT

relating to the authorization for certain land applications and discharges into retention facilities of dairy waste.

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

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1215 to read as follows:

Sec. 361.1215. PERMISSIVE LAND APPLICATION OF DAIRY WASTE.

(a) In this section, "dairy waste" means milk that is spilled, spoiled, or otherwise unfit for human consumption produced by a dairy operation.

(b) Notwithstanding any other law, the commission may issue a permit, registration, or other authorization for land application of dairy waste.

(c) The commission shall adopt rules governing the land application of dairy waste authorized under this section.

(d) Rules adopted under Subsection (c) must:

(1) minimize the risk of water quality impairment caused by the land application; and

(2) prescribe the conditions under which a permit is issued, including:

(A) the duration of the permit;

(B) the location of the land application unit;

(C) the maximum quantity of dairy waste that may be applied or disposed of under the permit; and

1 (D) the suggested agronomic application rate for
2 the dairy waste.

3 SECTION 2. Subchapter B, Chapter 26, Water Code, is amended
4 by adding Section 26.0481 to read as follows:

5 Sec. 26.0481. DISCHARGE OF DAIRY WASTE IN RETENTION
6 FACILITY. (a) In this section, "dairy waste" means milk that is
7 spilled, spoiled, or otherwise unfit for human consumption produced
8 at a concentrated animal feeding operation.

9 (b) Notwithstanding any other law and to the extent
10 permitted by federal law, the commission shall adopt rules under
11 this section to allow the discharge of dairy waste from a
12 concentrated animal feeding operation into a control or retention
13 facility, including a lagoon or playa, as that term is defined by
14 Section 26.048.

15 (c) Rules adopted under Subsection (b) must:

16 (1) minimize the risk of water quality impairment
17 caused by the discharge of dairy waste into the control or retention
18 facility; and

19 (2) require monitoring to ensure that the discharge of
20 dairy waste into the control or retention facility does not impair
21 water quality.

22 SECTION 3. Not later than March 1, 2022, the Texas
23 Commission on Environmental Quality shall adopt rules necessary to
24 implement Section 361.1215, Health and Safety Code, and Section
25 26.0481, Water Code, as added by this Act.

26 SECTION 4. This Act takes effect September 1, 2021.